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Attorneys for Defendant,  
Patrick Byrne

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ROBERT HUNTER BIDEN, an  
individual,

Plaintiff,

vs.

PATRICK M. BYRNE, an individual,

Defendant.

Case No.: 2:23-cv-09430-SVW-PD  
Judge: Honorable Stephen V. Wilson  
Courtroom: "10A"

Complaint Filed: November 8, 2023

**DECLARATION OF MICHAEL C.  
MURPHY, ESQ. IN SUPPORT OF  
MOTION IN LIMINE NO. 8 TO  
EXCLUDE THE DEPOSITION  
TESTIMONY OF SPECIAL AGENT  
DAVID SMITH**

Date: July 21, 2025  
Time: 3:00 p.m.  
Courtroom: "10A"

**[FILED CONCURRENTLY WITH  
MOTION IN LIMINE NO. 8 TO  
EXCLUDE THE DEPOSITION  
TESTIMONY OF SPECIAL AGENT  
DAVID SMITH]**

I, Michael C. Murphy, Esq., declares as follows:

1. I am an attorney duly authorized and licensed to practice law before this Court and all the state courts located throughout the State of California. I am an attorney with the Law Offices of Michael C. Murphy, attorneys of record for Defendant Patrick Byrne. This Declaration is executed in support of Defendant's Motion in Limine No. 8 to exclude the deposition testimony of Special Agent David Smith ("SA Smith"). I have personal knowledge of the facts stated in this Declaration and if called upon to testify, I would competently do so.

2. On March 14, 2025, Plaintiff served his Notice of Deposition of FBI Special Agent David Smith on my office. The Notice failed to identify the court reporter and the court reporter's address. (A true and correct copy of the March 14, 2025, notice is attached as Exhibit A, incorporated herein, and made a part hereof.)

3. On March 18, 2025, the Court denied our ex parte application to exclude Plaintiff from conducting the deposition of SA Smith, but ordered the Parties to exchange written questions and objections according to the schedule in Rule 31. (A true and correct copy of the March 18, 2025, order is attached as Exhibit B, incorporated herein, and made a part hereof.)

4. Plaintiff's failure to identify the court reporter was the subject of Defendant's March 27, 2025, ex parte application requesting Plaintiff comply with the procedures set out in Rule 31. The Court denied Defendant's ex parte on March 31, 2025, but gave Defendant until April 7, 2025, to serve his cross-examination questions on opposing counsel. (A true and correct copy of the Court's March 31, 2025, Order is attached as Exhibit C, incorporated herein, and made a part hereof.)

5. On April 3, 2025, I directed my associate attorney, Carmen R. Selame, Esq., to serve our questions and objections on Plaintiff's counsel. (True and correct copies of the email and the objections with the cross-examination questions are attached as Exhibit D, incorporated herein, and made a part hereof.)

6. On April 7, 2025, Plaintiff served a new deposition notice for the

1 deposition of SA Smith. This notice identified the deposition date as April 15,  
2 2025, identified the court reporter as Sherry Brooks, and provided her address at  
3 1717 K Street, NW, Suite 900, Washington, DC 20006. The deposition notice  
4 omitted Defendant's objections to Plaintiff's questions but included rewritten  
5 versions of Defendant's cross-examination questions that materially changed the  
6 meaning of three of Defendant's questions. (A true and correct copy of the April 7,  
7 2025, deposition notice is attached hereto as Exhibit E, incorporated herein, and  
8 made a part hereof.)

9 7. On April 7, 2025, I emailed a copy of our original deposition  
10 objections and cross-examination questions to the Department of Justice's ("DOJ")  
11 counsel, Mr. Sean Bean, Esq., with instructions that he ensure our objections and  
12 cross-examination questions as we drafted them are provided to the court reporter.  
13 Plaintiff's counsel responded to my email and instructed Mr. Bean to disregard my  
14 email and instructions. He advised Mr. Bean that I did not represent the Party  
15 noticing the deposition. Plaintiff's counsel also claimed that he was "responsible  
16 for making sure the court reporter says what she is supposed to say..." and that Mr.  
17 Bean need not worry for "a private party's objections to deposition questions or  
18 managing his deposition exhibits." I responded to Plaintiff's email to Mr. Bean and  
19 reminded them that we are entitled to participate in the written deposition process  
20 pursuant to Rule 31, and pursuant to the Court's order. (A true and correct copy of  
21 the email thread is attached as Exhibit F, incorporated herein, and made a part  
22 hereof.)

23 8. On April 10, 2025, I had an envelope and letter prepared containing a  
24 letter to the court reporter, Sherry Brooks, along with a copy of Defendant's  
25 original questions and objections, this Court's March 18, 2025, Order, and a copy  
26 of Plaintiff's April 7, 2025, deposition notice. The envelope was sent via Federal  
27 Express overnight mail, and Ms. Brooks received it on April 11, 2025. (True and  
28 correct copies of the letter with its exhibits and the shipping receipt are attached

hereto as Exhibit G, incorporated herein, and made a part hereof.)

9. SA Smith's deposition went forward on April 21, 2025, before an unknown and previously undisclosed "registered professional reporter" by the name of Steven Poulakos. Mr. Poulakos confirmed in an email to my associate that he never received the letter or exhibits sent to the court reporter. We were never notified of the new deposition date. We were notified that the court reporter had been changed and the contact information of the new court reporter. (A true and correct copy of Mr. Poulakos's email is attached hereto as Exhibit H, incorporated herein, and made a part hereof.)

10. The first session of Defendant's deposition occurred on December 13, 2024. Attached hereto as Exhibit I are true and correct copies of pages 1-4, 213, 224-227 of Volume I of the certified deposition transcript for Defendant Patrick M. Byrne.

11. The second session of Defendant's deposition occurred on December 14, 2024. Attached hereto as Exhibit J are true and correct copies of pages 238-241, 270-272, 285, 303-305, 308-311, 314-318, 321, 332-333, 347-348, 375-375 of Volume II of the certified deposition transcript for Defendant Patrick M. Byrne.

12. The third session of Defendant's deposition occurred on February 4, 2025. Attached hereto as Exhibit K are true and correct copies of pages 459-464, 476, 504, 506, 509-512, 514-515, 517, 525, 532, 548-550 of Volume III of the certified deposition transcript for Defendant Patrick M. Byrne.

13. John Moynihan's deposition occurred on February 14, 2025. Attached hereto as Exhibit L is a true and correct copy of the certified transcript.

14. SA Smith's deposition occurred on April 21, 2025, before Steven Poulakos. A copy of the certified deposition transcript is attached hereto as Exhibit M.

15. I object to the use of the deposition transcript of Special Agent David Smith as evidence in the case for any purpose including trial or in support of

1 Plaintiff's opposition to Defendant's motion for summary judgment because of  
2 Plaintiff's counsel's gamesmanship. Plaintiff's counsel deliberately failed to  
3 include our objections to Plaintiff's deposition questions and improperly re-wrote  
4 our cross-examination questions, which included material changes to questions 2,  
5 4, and 5. Defendant's original Question 2 asked about one recording, but Plaintiff's  
6 counsel's version asked about multiple recordings, rendering SA Smith's  
7 testimony misrepresentative of the evidence Defendant sought. Question 4  
8 originally asked whether the NSA confirmed "the voice identification of the  
9 individual on the three voicemails *included on the recording...*" Plaintiff's  
10 counsel's version asked whether the NSA confirmed "the voice identification of  
11 the individual on the three voicemails *including the recording...*" Plaintiff's  
12 version changes the meaning of question because it implies that the recording and  
13 the three voicemails were separate recordings, whereas Defendant's question  
14 identified the three voicemails as being on and part of the original recording.  
15 Finally, Plaintiff's version of Question 5 omitted the word "individual," rendering  
16 the question vague and ambiguous. The changes to these questions rendered any  
17 answer misrepresentative of the evidence sought by Defendant and violated the  
18 relevant rules. Plaintiff's counsel's actions handling the deposition of SA Smith  
19 violated Federal Rules of Civil Procedure, Rules 28, *et seq.*, 29, *et seq.*, 30(c)(2)-  
20 (3), 31(a)(5), 31(b), 31(b)(3), 32(d)(2)(A)-(B), 32 (d)(C), 32(d)(3)(B)(i)(ii).

21 16. The actions Plaintiff's counsel has taken in relation to the deposition  
22 of SA Smith will result in prejudice to Defendant because the deposition testimony  
23 is inadmissible, and Defendant's objections were not preserved on-the-record  
24 because of Plaintiff's counsel's deliberate interference and Defense counsel was  
25 precluded from participating in the deposition process for the deposition of agent  
26 Smith.

27 I declare under penalty of perjury under the laws of the United States of  
28 America that the foregoing is true and correct. This Declaration was executed on

June 27, 2025, at Westlake Village, CA.

By: /s/ Michael C. Murphy, Esq.

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LAW OFFICES OF MICHAEL C. MURPHY  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361

# Exhibit A

1 Bryan M. Sullivan, State Bar Number 209743  
2 *bsullivan@earlysullivan.com*  
3 Zachary C. Hansen, State Bar Number 325128  
4 *zhansen@earlysullivan.com*  
5 EARLY SULLIVAN WRIGHT  
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11 Richard A. Harpootlian, *pro hac vice*  
12 *rah@harpootlianlaw.com*  
13 RICHARD A. HARPOOTLIAN, PA  
14 1410 Laurel Street  
15 Columbia, South Carolina 29201  
16 Telephone: (803) 252-4848  
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18 Attorneys for PLAINTIFF  
19 ROBERT HUNTER BIDEN

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA**

22 ROBERT HUNTER BIDEN, an  
23 individual,

24 Plaintiff,

25 vs.

26 PATRICK M. BYRNE, an individual,  
27 Defendant.

Case No. 2:23-cv-09430-SVW-PD

**PLAINTIFF ROBERT HUNTER  
BIDEN'S NOTICE OF  
DEPOSITION OF FBI SPECIAL  
AGENT DAVID SMITH**

Date: TBD  
Time: TBD  
Place: U.S. Department of Justice  
1100 L Street, N.W.  
Washington, DC 20005

Complaint Filed: November 8, 2023



**TO ALL INTERESTED PARTIES AND THEIR RESPECTIVE ATTORNEYS  
OF RECORD:**

**PLEASE TAKE NOTICE** that, pursuant to Federal Rules of Civil Procedure 30, Plaintiff Robert Hunter Biden, by and through his attorneys of record, will take the deposition of FBI Special Agent David Smith, in person to answer the following questions, under oath and in writing on a date to be determined at the U.S. Department of Justice, 1100 L Street, N.W., Washington, DC 20005.

**PLEASE TAKE FURTHER NOTICE THAT** the deposition by written questions will be taken in the presence of an officer authorized to administer oaths and will be recorded stenographically.

A list of all parties or attorneys upon whom this Notice of Deposition is being served is shown on the accompanying Proof of Service.

**PLAINTIFF'S PROPOSED RULE 31 DEPOSITION QUESTIONS**

Question 1. Please state your name.

Question 2. Do you reside in California?

Question 3. How are you employed?

Question 4. Is your employment located in California?

Question 5. How long have you been employed with that entity?

Question 6. Mr. Byrne testified in this action that in late 2021 or early 2022 you met with him and John Moynihan at a parking lot at Reagan National Airport where Mr. Byrne played you an audio recording in which there was a conversation between someone and Mr. Byrne in which it was stated that Mr. Robert Hunter Biden, through an intermediary, had approached the Iranian government with an offer to have his father, President Joe Biden, unfreeze \$8

1 billion in Iranian funds in South Korea in return for the Iranians paying the  
2 Biden's 10% of those funds which would go into a numbered account for his  
3 family. Is that accurate?  
4

5 Question 7. Mr. Byrne testified in this action that he gave you in the car a copy  
6 of the recording that Mr. Byrne claims to have played for you as described in  
7 Question No. 6. Is that accurate?  
8

9 a. If yes, did Mr. Byrne give you the recording on a device that he  
10 surrendered to you?  
11

12 i. If no, did Mr. Byrne give you the recording via AirDrop or through  
13 another medium such as the messaging application "Signal"?  
14

15 Question 8. Mr. Byrne testified in this action that you told him to delete the  
16 recording and not keep a copy of it. Is that accurate?  
17

18 Question 9. Mr. Byrne testified in this action that you confirmed, through  
19 various actions by various government agencies, the identity of the voice on  
20 the voicemails played on the recording and communicated that to Mr. Byrne  
21 either directly or through Mr. Moynihan. Is that accurate?  
22

23 Question 10. Mr. Byrne testified in this action that you confirmed the voice on  
24 the voicemails played on the recording was identified as the son of a high-  
25 ranking official with the Pakistani Minister of Defense and communicated that  
26 to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?  
27  
28

1 Question 11. Mr. Byrne testified in this action that you confirmed the voice on  
2 the voicemails played on the recording was identified as someone who had  
3 close ties to Mr. Hunter Biden and communicated that to Mr. Byrne either  
4 directly or through Mr. Moynihan. Is that accurate?  
5

6 Question 12. Mr. Byrne testified in this action that you confirmed the voice on  
7 the voicemails played on the recording was identified as someone who acted as  
8 a proxy for Hunter Biden and communicated that to Mr. Byrne either directly  
9 or through Mr. Moynihan. Is that accurate?  
10

11 Question 13. Mr. Byrne testified in this action that you described to Mr. Byrne  
12 a letter that FBI Director Christopher Wray sent out to every FBI agent in the  
13 bureau saying not to have any contact with Mr. Byrne. Is that accurate?  
14  
15

16 Dated: March 14, 2025

RICHARD A. HARPOOTLIAN, PA

17 By: /s/ Richard A. Harpootlian

18 RICHARD A. HARPOOTLIAN (*pro hac*  
19 *vice*)

20 rah@harpootlianlaw.com

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24 BRYAN M. SULLIVAN, State Bar No.  
25 209743

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28 EARLY SULLIVAN WRIGHT

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GIZER & McRAE LLP  
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Telephone: (323) 301-4660  
Facsimile: (323) 301-4676

*Attorney for Plaintiff*  
*Robert Hunter Biden*

CERTIFICATE OF SERVICE

I, Holli Miller, hereby certify that on March 14, 2025, a copy of **Plaintiff Robert Hunter Biden's Notice of Deposition of FBI Special Agent David Smith** was served via email on the following:

*Attorneys for Defendant*  
Michael C. Murphy, Esq.  
Michael C. Murphy, Jr., Esq.  
Law Offices of Michael C. Murphy  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361  
[michael@murphylaw.net](mailto:michael@murphylaw.net)  
[michael.jr@murphylaw.net](mailto:michael.jr@murphylaw.net)

/s/ *Holli Miller*  
HOLLI MILLER  
Paralegal of Richard A. Harpootlian, P.A.

# Exhibit B



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW

Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Paul M. Cruz

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

**Proceedings:** ORDER DENYING DEFENDANT’S EX PARTE APPLICATION FOR AN  
ORDER TO REOPEN PLAINTIFF’S DEPOSITION [206]

**I. Introduction**

Before the Court is Patrick M. Byrne’s ex parte application for an order to reopen Plaintiff Robert Hunter Biden’s deposition. ECF No. 206. For the following reasons, Defendant’s application is DENIED.

**II. Background**

On June 27, 2023, Defendant, in an interview with the Capitol Times Magazine, claimed that Plaintiff, through an intermediary, approached the Iranian government with an offer to have his father, President Joe Biden, unfreeze \$8 billion in Iranian funds held in South Korea in return for a 10% kickback. ECF No. 1.

On August 16, 2024, Defendant took Plaintiff’s deposition. Declaration of Michael Murphy (“Murphy Declaration”) ¶ 2, ECF No. 206-1. In that deposition, Defendant’s counsel showed Plaintiff “Exhibit 653,” which was a website created by a company called Marco Polo, which itself was started by an individual named Garrett Ziegler. *Id.* at 17. Counsel then asked Plaintiff if any of the “photographs and

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW

Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

documents” on the website were taken from his laptop. *Id.* at 18. Plaintiff responded that he couldn’t answer that question, as he didn’t have “access to the metadata of any of the things that are published” on the website in question, and therefore had no way of knowing whether the website’s contents came from his laptop or not. *Id.*

In addition to his case against Defendant, Plaintiff also has a case against Garrett Ziegler, in which he alleged that Ziegler hacked into Plaintiff’s iPhone data and “manipulated, altered copied and damaged” that data. *See* Complaint at 3-4, *Biden v. Ziegler, et al.*, No. 2:23-cv-07593-HDV (C.D. Cal. Sept. 13, 2023). In that case, on March 5, 2025, Plaintiff filed a declaration where he claimed that “Garrett Ziegler admitted to hacking [Plaintiff’s] iCloud.” Murphy Declaration at 54.

Defendant now makes an ex parte application to reopen Plaintiff’s deposition, on the grounds that: (1) Plaintiff’s declaration confirms that the documents and photographs on the Marco Polo website come from Plaintiff’s laptop; and (2) that the contents of Plaintiff’s laptop are relevant to his reputation and modus operandi. ECF No. 206.

### III. Discussion

A party must seek leave of the Court to conduct a deposition when, as is the case here, “the parties have not stipulated to the deposition” and “the deponent has already been deposed in the case.” Fed. R. Civ. P. 30(a)(2)(A)(ii). Whether to grant leave “to re-open a deposition lies within the court’s discretion.” *Laub v. Horbaczewski*, 2019 WL 1744846, at \*7 (C.D. Cal. Feb. 8, 2019).

“Although renewed depositions are generally disfavored, a court may re-open a deposition where there is a showing of ‘good need’” (a.k.a., good cause). *Aranda v. Nissan Motor Acceptance Corp.*, No. 21-cv-03451, 2022 WL 18284912, at \*1 (C.D. Cal. Oct. 14, 2022) (quotations omitted). As is the case with all discovery requests, there is no good cause for a renewed deposition if “(i) the discovery sought is unreasonably cumulative or duplicative;” “(ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action;” or “(iii) the proposed discovery is outside the scope

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW

Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

permitted by Rule 26(b)(1),”—i.e., the information sought by the renewed deposition is not “relevant to any party’s claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1)-(2).

**A. The information Defendant seeks from reopening Plaintiff’s deposition is not relevant.**

There is no good cause to reopen Plaintiff’s deposition in this case, as the information Defendant seeks is not relevant to his defense. Defendant wants to reopen Plaintiff’s deposition to “inquire further into the documents and photographs published by Marco Polo from Plaintiff’s laptop,” as that information is purportedly “relevant to [Plaintiff’s] reputational damages and modus operandi.” Def. Ex Parte Application at 8, ECF No. 206.

To be sure, Plaintiff’s reputation is relevant to this case. First, his reputation is relevant to reputational damages. After all, to determine how much Defendant’s statements hurt Plaintiff’s reputation, the Court needs to assess the state of Plaintiff’s reputation at the time Defendant made the statements.

Second, Plaintiff’s reputation is relevant to actual malice. To illustrate, if Plaintiff had a strong reputation for engaging in corruption with foreign entities, it would be more likely that Defendant genuinely believed that Plaintiff engaged in the alleged bribery scheme with Iran, as the scheme would seem consistent with Plaintiff’s past behavior. If Defendant made the allegedly defamatory statements while genuinely believing they were true, then he did not act with actual malice.

But while Plaintiff’s reputation is relevant, the contents of his laptop are not. At best, the contents of Plaintiff’s laptop could show that he actually engaged in corrupt dealings with foreign entities or in other reputation-damaging activities. But whether Plaintiff truly engaged in corrupt dealings or other demeaning activities is irrelevant; what matters is Plaintiff’s *reputation* for taking such actions. His reputation depends on what the public *believes* about him, not on what Plaintiff in reality has or has not done. To establish Plaintiff’s reputation, Defendant should rely on evidence such as news articles or media

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW

Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

clips, not new and never-before-heard admissions by Plaintiff about the contents of his laptop. The latter simply provides no information regarding the public's perception of Plaintiff.

**B. Reopening Plaintiff's deposition would be cumulative.**

Even if the information Defendant seeks was relevant, a second deposition would be unnecessarily cumulative of Plaintiff's first deposition. In his first deposition, Defendant asked Plaintiff if any of the documents and photographs on Marco Polo's website came from his computer. Plaintiff answered, "I don't know." Later, in his litigation against Garrett Ziegler, Plaintiff declared that "Garrett Ziegler admitted to hacking my iCloud." Murphy Decl. at 54. Defendant contends that this declaration warrants reopening Plaintiff's deposition, as it "confirmed that the data in possession of and published by Marco Polo is in fact Plaintiff's data." Def. Ex Parte Application at 8, ECF No. 206.

Not so. That Garrett Ziegler hacked into Plaintiff's iCloud has nothing to do with whether Plaintiff knows if the documents and photographs on Marco Polo's website came from his laptop. Whether these documents and photographs came from Plaintiff's laptop, rather than some other location, is a chain of custody question that Plaintiff cannot answer by simply looking at a print-out of Marco Polo's website. So just as Plaintiff answered "I don't know" in his first deposition, he would answer the same in his second.

In sum, if Defendant were to reopen Plaintiff's deposition, there is no reason to think that Defendant would obtain any information not available during Plaintiff's first deposition. A second deposition would therefore be unnecessarily cumulative of Defendant's past discovery.

**IV. Conclusion**

For the foregoing reasons, Defendant's ex parte application is DENIED.

**IT IS SO ORDERED.**

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# Exhibit C

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW-PD

Date March 31, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Paul M. Cruz

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

**Proceedings:** ORDER DENYING DEFENDANT'S EX PARTE APPLICATION FOR AN ORDER TO COMPEL PLAINTIFF TO COMPLY WITH RULE 31 FOR CONDUCTING THE DEPOSITION OF FBI SPECIAL AGENT DAVID SMITH [219]

**I. Introduction**

Before the Court is Defendant Patrick M. Byrne's ex parte application for an order compelling Plaintiff Robert Hunter Biden to comply with Rule 31 for conducting the deposition of FBI Special Agent David Smith. ECF No. 219. For the following reasons, Defendant's ex parte application is DENIED.

**II. Background**

On June 27, 2023, Defendant, in an interview with the Capitol Times Magazine, claimed that Plaintiff, through an intermediary, approached the Iranian government with an offer to have his father, President Joe Biden, unfreeze \$8 billion in Iranian funds held in South Korea in return for the Iranians paying the Biden's 10% of those funds. Plaintiff responded by suing Defendant for defamation. ECF No. 1.

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW-PD

Date March 31, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

On March 14, 2025, Plaintiff served Defendant with notice of the written deposition of Agent Smith (hereinafter, the “Notice”). Declaration of Michael Murphy (“Murphy Decl.”) ¶ 2, Ex. A, ECF No. 219-1. The Notice explained that Plaintiff planned to take the written deposition of FBI Special Agent David Smith, in person, at the U.S. Department of Justice, 1100 L Street, N.W., Washington, DC 20005. *Id.* Ex. A. at 2. It further provided that the written deposition “will be taken in the presence of an officer authorized to administer oaths and will be recorded stenographically.” *Id.*

On March 26, 2025, Defendant emailed Plaintiff’s counsel to notify them that the Notice did not comply with Federal Rule of Civil Procedure 31 because it did not include the address of Agent Smith or the name and address of the court reporter that will take Smith’s deposition. *Id.* Ex. B. That same day, Defendant’s counsel responded and explained that Plaintiff planned to use a DOJ court reporter for Smith’s written deposition. *Id.*

On March 27, 2025, Defendant filed the current ex parte application to compel Plaintiff’s compliance with Rule 31. ECF No. 219. Plaintiff opposed the next day. ECF No. 220.

### III. Discussion

The procedure for taking written depositions is governed by Federal Rule of Civil Procedure 31. Under Rule 31, the party taking a written deposition must serve “on every other party” a notice stating: (1) “if known, the deponent’s name and address;” and (2) “the name or descriptive title and the address of the officer before whom the deposition will be taken.” Fed. R. Civ. P 31(a)(3).

Plaintiff’s notice plainly satisfies the first requirement. First, it provides the deponent’s name: Special Agent David Smith. *See* Murphy Decl. Ex. A. Second, it provides the Agent Smith’s address: the U.S. Department of Justice, 1100 L Street, N.W., Washington, DC 20005. Defendant seems to argue that this is insufficient because the Notice did not contain Agent Smith’s personal address. But this conclusion is preposterous. Rule 31 does not require that parties disclose the personal addresses of deponents and court reporters; such information is irrelevant to the litigation process. As is the case in nearly all other

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW-PD

Date March 31, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

contexts, the deponent's work address—the address of the Department of Justice—is sufficient to satisfy Rule 31. Defendant cites no authority to the contrary.

As to information about the officer taking the deposition, Plaintiff's notice is technically deficient, but not in a way that prejudices Defendant. To start, the Notice sufficiently identifies the officer. While it does not include the court reporter's name, it does explain that the deposition will be taken by "an officer authorized to administer oaths" who will record the deposition "stenographically." Murphy Decl. Ex. A. This is sufficient to satisfy Rule 31, which just requires that notice include a "descriptive title" of "the officer before whom the deposition will be taken." Fed. R. Civ. P. 31(a)(3).

Where the Notice is technically deficient is the address of the court reporter. Rule 31 requires that notice include "the address of the officer before whom the deposition will be taken," and the notice does not include an address for the court reporter.

But while the Notice is technically deficient, this is not the grand error Defendant makes it out to be. After Defendant raised this issue with Plaintiff's counsel on March 26, 2025, he immediately (the very same day) explained that Plaintiff would be using a court reporter from the Department of Justice. *See* Murphy Decl. Ex. B. This makes the court reporter's address obvious: the address of the Department of Justice. So even if the Notice was initially deficient, Defendant was on notice of the court reporter's address by March 26, 2025.

More importantly, Defendant provides no explanation for how failure to receive the court reporter's address prejudiced him in any way. Defendant's ex parte application appears to be nothing more than yet another attempt to delay this litigation. In fact, it is not even clear how Defendant has standing to challenge Plaintiff's notice, since it is for the deposition of a non-party, not Defendant. *See* Fed. R. Civ. P. 26(c) (explaining that only the party/person "from whom discovery is sought may move for a protective order" under Rule 26(c)); *See also Am. Rena Int'l Corp. v. Sis-Joynt Int'l Co.*, No. 12-cv-06972-FMO, 2013 12638502, at \*2 (C.D. Cal. Oct. 3, 2013) ("Defendants do not have standing to quash a nonparty subpoena except on grounds of privilege or privacy.").

Initials of Preparer

PMC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW-PD

Date March 31, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

The Court's doubt regarding Defendant's motivations is bolstered by how long he waited before raising this objection. Defendant received the Notice on March 14, 2025. That the Notice did not include the court reporter's address would have been immediately apparent upon receipt. And yet, Defendant waited 12 days, until March 26, 2025—two days before his deadline to send cross-questions to Plaintiff—to raise the issue. Defendant provides no explanation for this delay.

The Court's skepticism as to Defendant's motivations notwithstanding, the Court recognizes that the Notice was technically noncompliant with Rule 31. To that end, the Court will extend Defendant's deadline to serve its cross-questions on Plaintiff to April 7, 2025, which is 12 days after the date on which Defendant received notice of the court reporter's address. Defendant is informed that the Court will not look kindly on any further delays to David Smith's deposition.

**IV. Conclusion**

For the foregoing reasons, Defendant's ex parte application is DENIED. Separately, Defendant's deadline to serve its cross-questions on Plaintiff is extended from March 28, 2025, to April 7, 2025.

Additionally, while the Court is directing the parties, it orders Plaintiff to file John Moynihan's deposition with the Court.

**IT IS SO ORDERED.**

Initials of Preparer

PMC

# Exhibit D





Outlook

---

**Re: Biden v. Byrne**

---

**From** Carmen <Carmen@murphlaw.net>**Date** Thu 4/3/2025 5:23 PM**To** Dick Harpootlian <rah@harpootlianlaw.com>; Michael Murphy <michael@murphlaw.net>**Cc** Phillip Barber <pdb@harpootlianlaw.com>; Zachary Hansen <zhanzen@earlysullivan.com>; Bryan Sullivan <bsullivan@earlysullivan.com>; Holli Miller <holli@harpootlianlaw.com>; Robie Atienza-Jones <rjones@earlysullivan.com>

1 attachment (203 KB)

Obj.Depo.Questions.v.2.3.26.25.pdf;

Hi Mr. Harpootlian:

I have once again attached our objections and cross-examination questions here. You have our authority to serve them on the court reporter.

Thank you,

Carmen R. Selame, Esq.

LAW OFFICES OF  
**MICHAEL C. MURPHY**  
ATTORNEYS AT LAW

2625 Townsgate Road, Suite 330

Westlake Village, CA 91361

Tel.: (818) 558-3718

Fax: (805) 367-4506

Web: <http://murphlaw.net>Email: [Carmen@murphlaw.net](mailto:Carmen@murphlaw.net)**CONFIDENTIALITY NOTICE:**

This message contains information which may be confidential and privileged. Unless you are the intended recipient or authorized to receive this message on behalf of the intended recipient, you may not use, copy, distribute, or disclose any information contained herein.

If you are an actual or potential client, any information you disclose by email will be kept in strict confidence. Please be advised that the **Law Offices of Michael C. Murphy** does not represent you until you have signed a written retainer agreement. Until that time, you are responsible for any statutory deadlines that may affect your case.

---

**From:** Dick Harpootlian <rah@harpootlianlaw.com>**Sent:** Tuesday, April 1, 2025 2:26 PM**To:** Michael Murphy <michael@murphlaw.net>**Cc:** Phillip Barber <pdb@harpootlianlaw.com>; Zachary Hansen <zhanzen@earlysullivan.com>; Bryan Sullivan <bsullivan@earlysullivan.com>; Holli Miller <holli@harpootlianlaw.com>; Carmen <Carmen@murphlaw.net>; Robie Atienza-Jones <rjones@earlysullivan.com>**Subject:** Biden v. Byrne

Attached please find the filing of Moynihan's deposition pursuant to the Court's direction.

Dick Harpootlian

Michael C. Murphy, Esq. (S.B. No. 104872)  
[Michael@murphlaw.net](mailto:Michael@murphlaw.net)  
Michael C. Murphy, Jr. Esq. (S.B. No. 305896)  
[Michael.jr@murphlaw.net](mailto:Michael.jr@murphlaw.net)  
Carmen R. Selame, Esq. (S.B. No. 334098)  
[Carmen@murphlaw.net](mailto:Carmen@murphlaw.net)  
LAW OFFICES OF MICHAEL C. MURPHY  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361  
Tel.: 818-558-3718  
Fax: 805-367-4506

Attorneys for Defendant,  
Patrick Byrne

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

ROBERT HUNTER BIDEN, an  
individual,

Plaintiff,

vs.

PATRICK M. BYRNE, an individual,  
Defendant.

Case No.: 2:23-cv-09430-SVW-PD  
Judge: Honorable Stephen V. Wilson  
Courtroom: "10A"

Complaint Filed: November 8, 2023

**OBJECTIONS TO PLAINTIFF'S  
PROPOSED RULE 31(A)  
DEPOSITION QUESTIONS;  
DEFENDANT'S CROSS-  
EXAMINATION QUESTIONS TO  
SPECIAL AGENT SMITH**

///

///

///

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, pursuant to Federal Rules of Civil Procedure 31, *et seq.*, Defendant Patrick Byrne (“Defendant”), by and through his attorneys of record, make the following objections to Plaintiff’s proposed Rule 31 Deposition Questions:

As a preliminary matter, Defendant objects to the Notice of Deposition of Agent Smith on the grounds that it fails to comply with Federal Rule of Civil Procedure, Rule 31(a)(3), which *requires* that the deposition notice contain the address of the deponent and the name and address of the court reporter.

Defendant further objects to the Notice of Deposition of Agent Smith on additional grounds that it fails to comply with Federal Rule of Civil Procedure, Rule 31(a)(3), which *requires* that the party who noticed the deposition identify the name or description and the *address* of the deposition officer.

Defendant further objects to the Notice of Deposition of Agent Smith and to the deposition of Agent Smith on the grounds that the court reporter is hired by or employed by the DOJ. Defendant reserves the right to object to the use and admission of the deposition at trial on the grounds stated herein and reserves all objections on any other grounds.

Defendant further objects to the Notice of Deposition of Agent Smith and to the deposition of Agent Smith on the grounds that the deposition fails to comply with the requirements of Federal Rule of Civil Procedure, Rule 31(b), which requires that the noticing party deliver to the deposition officer all the questions and cross-examination questions, and the deposition notice. The deposition must proceed pursuant to Federal Rule of Civil Procedure, Rule 30 (c), (e), and (f).

Defendant objects to the service of the notice and questions directly on the DOJ, and Defendant objects to the DOJ accepting service of the notice and questions on behalf of the court reporter. Defendant objects to the deposition should it not

///

1 follow the procedures set forth in Federal Rule of Civil Procedure, Rule 30 (c),  
2 (e), and (f).

3 Defendant further objects to the Notice of Deposition of Agent Smith and to  
4 the deposition of Agent Smith on the grounds that the deposition fails to comply  
5 with the requirements of Federal Rule of Civil Procedure, Rule 31(c), which  
6 requires that the noticing party notify all parties when the deposition is completed.

7 **PLAINTIFF’S PROPOSED QUESTION 6:**

8 Question 6. Mr. Byrne testified in this action that in late 2021 or early 2022  
9 you met with him and John Moynihan at a parking lot at Reagan National Airport  
10 where Mr. Byrne played you an audio recording in which there was a conversation  
11 between someone and Mr. Byrne in which it was stated that Mr. Robert Hunter  
12 Biden, through an intermediary, had approached the Iranian government with an  
13 offer to have his father, President Joe Biden, unfreeze \$8 billion in Iranian funds  
14 in South Korea in return for the Iranians paying the Biden’s 10% of those funds  
15 which would go into a numbered account for his family. Is that accurate?

16 **DEFENDANT’S OBJECTION TO QUESTION 6:**

17 Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence.  
18 Misrepresents and mischaracterizes the testimony of Mr. Byrne that was given  
19 during his depositions.

20 **PLAINTIFF’S PROPOSED QUESTION 7:**

21 Question 7. Mr. Byrne testified in this action that he gave you in the car a  
22 copy of the recording that Mr. Byrne claims to have played for you as described in  
23 Question 6. Is that accurate?

24 a. If yes, did Mr. Byrne give you the recording on a device that he  
25 surrendered to you?

26 i. If no, did Mr. Byrne give you the recording via AirDrop or  
27 through another medium such as the messaging application  
28 “Signal”?

**DEFENDANT'S OBJECTION TO QUESTION 7:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony of Mr. Byrne that was given during his depositions.

**PLAINTIFF'S PROPOSED QUESTION 8:**

Question 8. Mr. Byrne testified in this action that you told him to delete the recording and not keep a copy of it. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 8:**

Objection: Compound. Vague. Ambiguous.

**PLAINTIFF'S PROPOSED QUESTION 9:**

Question 9. Mr. Byrne testified in this action that you confirmed, through various actions by various government agencies, the identity of the voice on the voicemails played in the recording and communicated that to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 9:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony Mr. Byrne gave during his depositions.

**PLAINTIFF'S PROPOSED QUESTION 10:**

Question 10. Mr. Byrne testified in this action that you confirmed the voice on the voicemails played on the recording was identified as the son of a high-ranking official with the Pakistani Minister of Defense and communicated that to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 10:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony Mr. Byrne gave during his depositions.

///

**PLAINTIFF'S PROPOSED QUESTION 11:**

Question 11. Mr. Byrne testified in this action that you confirmed the voice on the voicemails played on the recording was identified as someone who had close ties to Mr. Hunter Biden and communicated that to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 11:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony Mr. Byrne gave during his depositions.

**PLAINTIFF'S PROPOSED QUESTION 12:**

Question 12. Mr. Byrne testified in this action that you confirmed the voice on the voicemails played on the recording was identified as someone who acted as a proxy for Hunter Biden and communicated that to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 12:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony Mr. Byrne gave during his depositions.

**PLAINTIFF'S PROPOSED QUESTION 13:**

Question 13. Mr. Byrne testified in this action that you described to Mr. Byrne a letter that FBI Director Christopher Wray sent out to every FBI agent in the bureau saying not to have any contact with Mr. Byrne. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 13:**

Objection: Irrelevant to the subject matter of the litigation. Vague. Ambiguous. Misstates the evidence.

///

///

///

1 PLEASE TAKE NOTICE THAT Defendant hereby issues the following  
2 cross-examination questions to Agent Smith. Defendant preserves all objections to  
3 the deposition going forward, as outlined above, but submits these questions in an  
4 abundance of caution so as to not waive any rights to cross-examine Agent Smith.

5 Defendant further objects to the distribution of these questions and/or  
6 objections to anyone other than a properly selected certified shorthand court  
7 reporter, properly selected by Plaintiff's counsel. The properly selected certified  
8 shorthand court reporter shall receive the questions and the objections, and upon  
9 receipt of all of them, shall schedule the deposition of the deponent, and conduct  
10 the deposition in accordance with Federal Rule of Civil Procedure, Rule 31(b),  
11 accord. Rule 30(c), (e), and (f). Defendant further objects to the distribution of  
12 the questions and objections while Defendant's ex parte application is pending  
13 before the Court. Defendant further reserves all rights to amend these cross-  
14 examination questions and objections set forth herein should the Court grant  
15 Defendant's ex parte request.

16 Defendant's Proposed Questions are as follows:

17 **DEFENDANT'S PROPOSED CROSS-EXAMINATION QUESTION 1:**

18 Mr. Byrne testified in this action that he provided to you a recording that  
19 involved Hunter Biden and Iranian Officials. Do you recall receiving any  
20 recording from Mr. Byrne related to or involving Hunter Biden and Iranian  
21 officials?

22 **DEFENDANT'S PROPOSED CROSS-EXAMINATION QUESTION 2:**

23 If Mr. Byrne provided any recording to you, did you ask him to delete the  
24 recording from any device still in his possession?

25 **DEFENDANT'S PROPOSED CROSS-EXAMINATION QUESTION 3:**

26 Is it common practice for the FBI to advise informants to retain copies of  
27 sensitive information or evidence related to national security matters?

28 / / /

**DEFENDANT’S PROPOSED CROSS-EXAMINATION QUESTION 4:**

Did the National Security Agency confirm the voice identification of the individual on the three voicemails included on the recording provided to you by Mr. Byrne?

**DEFENDANT’S PROPOSED CROSS-EXAMINATION QUESTION 5:**

Did the National Security Agency confirm that the identified individual has or had a relationship or connection to Hunter Biden?

**DEFENDANT’S PROPOSED CROSS-EXAMINATION QUESTION 6:**

Did the National Security Agency confirm that the identified individual acted as a proxy for Hunter Biden?

Dated: March 28, 2025

LAW OFFICES OF MICHAEL C. MURPHY

By: /s/ Michael C. Murphy, Esq.

---

Michael C. Murphy, Esq.  
Michael C. Murphy, Jr., Esq.  
Carmen R. Selame, Esq.  
Attorneys for Defendant,  
Patrick Byrne



**PROOF OF SERVICE**  
**UNITED STATES OF AMERICA**

I am employed and am a resident of the County of Ventura, State of California.

I am over the age of 18 and not a party to the within action. My business name and address is as follows:

Law Offices of Michael C. Murphy  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361

On March 28, 2025, I served the foregoing document(s) on Opposing Counsel in this action described as follows:

**1. OBJECTIONS TO PLAINTIFF'S PROPOSED RULE 31(A)  
DEPOSITION QUESTIONS; DEFENDANT'S CROSS-  
EXAMINATION QUESTIONS TO SPECIAL AGENT SMITH**

\_\_\_\_\_ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

\_\_\_\_\_ by placing a copy of the original enclosed in sealed envelopes addressed as follows ("U.S. Mail"):

  X   by placing copies of the original through electronic transmission ("e-mail") to all parties appearing on the electronic service list as follows:

\_\_\_\_\_ by placing copies of the original through facsimile transmission ("fax") to all parties appearing on the service list as follows:

1 Richard A. Harpootlian, *pro hac vice*  
2 *rah@harpootlianlaw.com*  
3 RICHARD A. HARPOOTLIAN, PA  
4 1410 Laurel Street  
5 Columbia, South Carolina 29201  
6 Telephone: (803) 252-4848  
7 Facsimile: (803) 252-4810

**Attorneys for Plaintiff**  
ROBERT HUNTER BIDEN

6 Bryan M. Sullivan, Esq.  
7 Zachary C. Hansen, Esq.  
8 Early Sullivan Wright Gizer & McRae, LLP  
9 6420 Wilshire Blvd., Suite 17th Fl.  
10 Los Angeles, CA 90048  
11 Tel: (323) 301-4660  
12 Fax: (323) 301-4676  
13 Email: [rclaudat@earlysullivan.com](mailto:rclaudat@earlysullivan.com)  
14 Email: [zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)  
15 Email: [bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)

16 The sender's name and email address are as follows:

17 Name: Carmen R. Selame, Esq.  
18 Email: [Carmen@murphlaw.net](mailto:Carmen@murphlaw.net).

19 \_\_\_\_\_ (State) I declare under penalty of perjury under the laws of the State of  
20 California and the United States of America that the above is true and correct.

21   X   (Federal) I declare that I am employed in the office as a member of the bar  
22 of this court at whose direction the service was made.

23 Executed on March 28, 2025 at Westlake Village, California.

24 By: /s/ Carmen R. Selame, Esq.  
25  
26  
27  
28

# Exhibit E

1 Bryan M. Sullivan, State Bar Number 209743  
2 *bsullivan@earlysullivan.com*  
3 Zachary C. Hansen, State Bar Number 325128  
4 *zhansen@earlysullivan.com*  
5 EARLY SULLIVAN WRIGHT  
6 GIZER & McRAE LLP  
7 6420 Wilshire Boulevard, 17th Floor  
8 Los Angeles, California 90048  
9 Telephone: (323) 301-4660  
10 Facsimile: (323) 301-4676

11 Richard A. Harpootlian, *pro hac vice*  
12 *rah@harpootlianlaw.com*  
13 Phillip D. Barber, *pro hac vice*  
14 *pdb@harpootlianlaw.com*  
15 RICHARD A. HARPOOTLIAN, PA  
16 1410 Laurel Street  
17 Columbia, South Carolina 29201  
18 Telephone: (803) 252-4848  
19 Facsimile: (803) 252-4810

20 Attorneys for PLAINTIFF  
21 ROBERT HUNTER BIDEN

22 **UNITED STATES DISTRICT COURT**  
23 **CENTRAL DISTRICT OF CALIFORNIA**

24 ROBERT HUNTER BIDEN, an  
25 individual,

26 Plaintiff,

27 vs.

28 PATRICK M. BYRNE, an individual,  
Defendant.

Case No. 2:23-cv-09430-SVW-PD

**PLAINTIFF ROBERT HUNTER  
BIDEN'S NOTICE OF  
DEPOSITION OF FBI SPECIAL  
AGENT DAVID SMITH**

Date: April 15, 2025  
Time: 10:00 AM (EDT)  
Place: U.S. Department of Justice  
1100 L Street, N.W.  
Washington, DC 20005

Complaint Filed: November 8, 2023

**TO ALL INTERESTED PARTIES AND THEIR RESPECTIVE ATTORNEYS  
OF RECORD:**

**PLEASE TAKE NOTICE** that, pursuant to Federal Rules of Civil Procedure 30, Plaintiff Robert Hunter Biden, by and through his attorneys of record, will take the deposition of FBI Special Agent David Smith, in person to answer the following questions, under oath and in writing on April 15, 2025, beginning at 10:00 AM (EDT), at the U.S. Department of Justice, 1100 L Street, N.W., Washington, DC 20005.

**PLEASE TAKE FURTHER NOTICE THAT** the deposition by written questions will be taken in the presence of Sherry Brooks with Esquire Deposition Solutions, an officer authorized to administer oaths, with offices at 1717 K Street, NW, Suite 900, Washington, DC 20006. The deposition will be recorded stenographically.

A list of all parties or attorneys upon whom this Notice of Deposition is being served is shown on the accompanying Proof of Service.

**PLAINTIFF'S RULE 31 DEPOSITION QUESTIONS**

Question 1. Please state your name.

Question 2. Do you reside in California?

Question 3. How are you employed?

Question 4. Is your employment located in California?

Question 5. How long have you been employed with that entity?

Question 6. Mr. Byrne testified in this action that in late 2021 or early 2022 you met with him and John Moynihan at a parking lot at Reagan National Airport where Mr. Byrne played you an audio recording in which there was a conversation between someone and Mr. Byrne in which it was stated that Mr.

1 Robert Hunter Biden, through an intermediary, had approached the Iranian  
2 government with an offer to have his father, President Joe Biden, unfreeze \$8  
3 billion in Iranian funds in South Korea in return for the Iranians paying the  
4 Biden's 10% of those funds which would go into a numbered account for his  
5 family. Is that accurate?  
6

7  
8 Question 7. Mr. Byrne testified in this action that he gave you in the car a copy  
9 of the recording that Mr. Byrne claims to have played for you as described in  
10 Question No. 6. Is that accurate?  
11

12 a. If yes, did Mr. Byrne give you the recording on a device that he  
13 surrendered to you?  
14

15 i. If no, did Mr. Byrne give you the recording via AirDrop or through  
16 another medium such as the messaging application "Signal"?  
17

18 Question 8. Mr. Byrne testified in this action that you told him to delete the  
19 recording and not keep a copy of it. Is that accurate?  
20

21 Question 9. Mr. Byrne testified in this action that you confirmed, through  
22 various actions by various government agencies, the identity of the voice on  
23 the voicemails played on the recording and communicated that to Mr. Byrne  
24 either directly or through Mr. Moynihan. Is that accurate?  
25

26 Question 10. Mr. Byrne testified in this action that you confirmed the voice  
27 on the voicemails played on the recording was identified as the son of a high-  
28

1 ranking official with the Pakistani Minister of Defense and communicated that  
2 to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

3  
4 Question 11. Mr. Byrne testified in this action that you confirmed the voice  
5 on the voicemails played on the recording was identified as someone who had  
6 close ties to Mr. Hunter Biden and communicated that to Mr. Byrne either  
7 directly or through Mr. Moynihan. Is that accurate?  
8

9 Question 12. Mr. Byrne testified in this action that you confirmed the voice  
10 on the voicemails played on the recording was identified as someone who acted  
11 as a proxy for Hunter Biden and communicated that to Mr. Byrne either directly  
12 or through Mr. Moynihan. Is that accurate?  
13

14 Question 13. Mr. Byrne testified in this action that you described to Mr. Byrne  
15 a letter that FBI Director Christopher Wray sent out to every FBI agent in the  
16 bureau saying not to have any contact with Mr. Byrne. Is that accurate?  
17

18 **DEFENDANT'S RULE 31 DEPOSITION CROSS-EXAMINATION**  
19 **QUESTIONS**

20 Question 1: Mr. Byrne testified in this action that he provided to you a  
21 recording that involved Hunter Biden and Iranian Officials. Do you recall  
22 receiving any recording from Mr. Byrne related to or involving Hunter  
23 Biden and Iranian officials?  
24

25  
26 Question 2: If Mr. Byrne provided any recordings to you, did you ask him  
27 to delete the recordings from any device still in his possession?  
28

Question 3: Is it common practice for the FBI to advise informants to

1 retain copies of sensitive information or evidence related to national security  
2 matters?

3  
4 Question 4: Did the National Security Agency confirm the voice  
5 identification of the individual on the three voicemails including the  
6 recording provided to you by Mr. Byrne?

7  
8 Question 5: Did the National Security Agency confirm that the identified  
9 has or had a relationship or connection with Hunter Biden?

10 Question 6: Did the National Security Agency confirm that the identified  
11 individual acted as a proxy for Hunter Biden?  
12

13 Dated: April 7, 2025

RICHARD A. HARPOOTLIAN, PA

14  
15 By: /s/ Richard A. Harpootlian  
16 RICHARD A. HARPOOTLIAN (*pro hac*  
17 *vice*)  
18 *rah@harpootlianlaw.com*  
19 Phillip D. Barber, *pro hac vice*  
20 *pdb@harpootlianlaw.com*  
21 RICHARD A. HARPOOTLIAN, PA  
22 1410 Laurel Street  
23 Columbia, South Carolina 29201  
24 Telephone: (803) 252-4848  
25 Facsimile: (803) 252-4810

26 BRYAN M. SULLIVAN, State Bar No.  
27 209743  
28 bsullivan@earlysullivan.com  
ZACHARY C. HANSEN, State Bar No.  
325128  
zhansen@earlysullivan.com  
EARLY SULLIVAN WRIGHT  
GIZER & McRAE LLP  
6420 Wilshire Boulevard, 17th Floor



Los Angeles, California 90048  
Telephone: (323) 301-4660  
Facsimile: (323) 301-4676

*Attorney for Plaintiff  
Robert Hunter Biden*

CERTIFICATE OF SERVICE

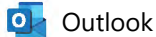
I, Phillip D. Barber, hereby certify that on , a copy of **Plaintiff Robert Hunter Biden's Notice of Deposition of FBI Special Agent David Smith** was served via email on the following:

*Attorneys for Defendant*  
Michael C. Murphy, Esq.  
Michael C. Murphy, Jr., Esq.  
Law Offices of Michael C. Murphy  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361  
[michael@murphylaw.net](mailto:michael@murphylaw.net)  
[michael.jr@murphylaw.net](mailto:michael.jr@murphylaw.net)

*Attorney for Deponent*  
Samuel B. Bean  
U.S. Department of Justice  
1100 L Street, NW  
Washington, DC 20005  
[samuel.b.bean2@usdoj.gov](mailto:samuel.b.bean2@usdoj.gov)

*/s/ Phillip D. Barber*  
PHILLIP D. BARBER

# Exhibit F



Outlook

---

RE: Special Agent David Smith Rule 31 deposition notice Biden v. Byrne, 2:@3-cv-9430-SVW (C.D. Cal.)

---

From Michael Murphy <michael@murphlaw.net>

Date Mon 4/7/2025 6:35 PM

To Phillip Barber <pdb@harpootlianlaw.com>; Bean, Samuel B (CIV) <Samuel.B.Bean2@usdoj.gov>

Cc Dick Harpootlian <rah@harpootlianlaw.com>; Holli Miller <holli@harpootlianlaw.com>; Carmen <Carmen@murphlaw.net>; Zachary Hansen <zhanzen@earlysullivan.com>; Bryan Sullivan <bsullivan@earlysullivan.com>; michael.jr@murphylaw.net <michael.jr@murphylaw.net>

📎 1 attachment (403 KB)

Xerox Scan\_04072025175416\_20250407175416.PDF;

Mr. Bean:

Under FRCP 31, my client is a party in the case and entitled to participate in the written question deposition process. The court has already made a ruling to that effect. On March 18, 2025, the court issued its order that we could submit not only written questions but also objections to Plaintiff's questions that are to be given to the court reporter at the same time as our questions for the deposition under the provisions of Under FRCPA 31(b). A copy of the court's order is attached to this e-mail. Therefore, for the deposition to be in compliance with the code and the court's order, you must submit our questions and objections to plaintiff's questions to the court reporter, make them an official part of the deposition transcript by the court reporter and both our questions and objections must be read to the deponent special agent David Smith during the deposition.

Any attempt by plaintiff's counsel that successfully procures a deposition transcript that does not have our objections and questions attached to it and as received by the court reporter and with confirmation in the transcript that our objections and questions as provided were read to Special Agent Smith to respond to during his deposition will be met with a subsequent motion to have the court not consider as evidence for any purpose in this case the deposition transcript of Special Agent Smith that is finally prepared by the court reporter due to the failure and refusal of Plaintiff's counsel to comply with the provisions of FRCP31(b) and the court's order of March 18, 2025 that is attached to this e-mail.

Very truly yours,

Michael C. Murphy, Esq.

---

**From:** Phillip Barber <pdb@harpootlianlaw.com>

**Sent:** Monday, April 7, 2025 6:02 PM

**To:** Michael Murphy <michael@murphlaw.net>; Bean, Samuel B (CIV) <Samuel.B.Bean2@usdoj.gov>

**Cc:** Dick Harpootlian <rah@harpootlianlaw.com>; Holli Miller <holli@harpootlianlaw.com>; Carmen <Carmen@murphlaw.net>; Zachary Hansen <zhanzen@earlysullivan.com>; Bryan Sullivan <bsullivan@earlysullivan.com>; michael.jr@murphylaw.net

**Subject:** RE: Special Agent David Smith Rule 31 deposition notice Biden v. Byrne, 2:@3-cv-9430-SVW (C.D. Cal.)

Mr. Bean,

Please ignore any communications from Mr. Murphy. He does not represent the party noticing this deposition. I do. I am very appreciative of your willingness to work with us to make the witness available and to assist us in forming questions that do not intrude on governmental privileges in this very unusual case. Of course, I am responsible for making sure the court reporter says what she is supposed to say and as counsel for the United States you are not expected to have any concern for a private party's objections to deposition questions or managing his deposition exhibits. If Mr. Murphy has concerns he may address them to the Court.

Sincerely,

Phillip D. Barber  
RICHARD A. HARPOOTLIAN, P.A.  
1410 Laurel Street  
Post Office Box 1090  
Columbia, South Carolina 29202  
(803) 252-4848  
(803) 252-4810 (facsimile)  
[pdb@harpootlianlaw.com](mailto:pdb@harpootlianlaw.com)

---

**From:** Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>

**Sent:** Monday, April 07, 2025 8:08 PM

**To:** Phillip Barber <[pdb@harpootlianlaw.com](mailto:pdb@harpootlianlaw.com)>; Bean, Samuel B (CIV) <[Samuel.B.Bean2@usdoj.gov](mailto:Samuel.B.Bean2@usdoj.gov)>

**Cc:** Dick Harpootlian <[rah@harpootlianlaw.com](mailto:rah@harpootlianlaw.com)>; Holli Miller <[holli@harpootlianlaw.com](mailto:holli@harpootlianlaw.com)>; Carmen <[Carmen@murphlaw.net](mailto:Carmen@murphlaw.net)>; Zachary Hansen

<zhanzen@earlysullivan.com>; Bryan Sullivan <bsullivan@earlysullivan.com>; michael.jr@murphyllaw.net

**Subject:** RE: Special Agent David Smith Rule 31 deposition notice Biden v. Byrne, 2:@3-cv-9430-SVW (C.D. Cal.)

Mr. Bean:

Attached are our deposition objections and questions that Plaintiff's counsel deliberately failed to provide you in violation of FRCP 31. Instead, they rewrote their questions, rewrote our examination questions but not our objections, put them on one documents and then sent you the document with our omitted objections in violation of FRCP 31.

Please make sure that when the court reporter reads plaintiff's questions during the deposition that the reporter also reads for the record our objections to Plaintiff's questions that we have supplied to you, you can state whatever objections you have to the questions and then Mr. Smith's responses. Our questions should then be asked and either objected to by you and not answered or answered by Agent Smith. We also want our attached questions and objections that we are sending you attached as an exhibit to the deposition transcript and made a part of the record.

Let me know if you have any questions or concerns. We plan to also send an e-mail to the court reporter with a copy of this e-mail and the attachment with the same instructions.

Very truly yours,

Michael C. Murphy, Esq.

---

**From:** Phillip Barber <[pdb@harpootlianlaw.com](mailto:pdb@harpootlianlaw.com)>

**Sent:** Monday, April 7, 2025 2:25 PM

**To:** Bean, Samuel B (CIV) <[Samuel.B.Bean2@usdoj.gov](mailto:Samuel.B.Bean2@usdoj.gov)>

**Cc:** Dick Harpootlian <[rah@harpootlianlaw.com](mailto:rah@harpootlianlaw.com)>; Holli Miller <[holli@harpootlianlaw.com](mailto:holli@harpootlianlaw.com)>; Carmen <[Carmen@murphlaw.net](mailto:Carmen@murphlaw.net)>; Michael Murphy <[michael@murphlaw.net](mailto:michael@murphlaw.net)>; Zachary Hansen <[zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)>; Bryan Sullivan <[bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)>; [michael.jr@murphyllaw.net](mailto:michael.jr@murphyllaw.net)

**Subject:** Special Agent David Smith Rule 31 deposition notice Biden v. Byrne, 2:@3-cv-9430-SVW (C.D. Cal.)

Mr. Bean,

Attached please find a deposition notice for a Rule 31 written deposition of Special Agent David Smith in the above-referenced matter, to occur at 1100 L Street, NW, Washington, DC 20005, on April 15, 2025, at 10am. Please let me know if a subpoena is needed in addition to this deposition notice; the previous subpoena for an oral deposition has been withdrawn. If the government objects to any question, I ask that the objection be stated on the record when the court reporter asks the question so that it is included in the official transcript.

Sincerely,

Phillip D. Barber  
RICHARD A. HARPOOTLIAN, P.A.  
1410 Laurel Street  
Post Office Box 1090  
Columbia, South Carolina 29202  
(803) 252-4848  
(803) 252-4810 (facsimile)  
[pdb@harpootlianlaw.com](mailto:pdb@harpootlianlaw.com)

---

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

# Exhibit G





LAW OFFICES OF  
**MICHAEL C. MURPHY**  
ATTORNEYS AT LAW

---

**Westlake Village Office (Main)**

2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361  
Tel: (818) 558-3718  
Email: [Michael@murphlaw.net](mailto:Michael@murphlaw.net)

**Burbank Office**

3500 W. Olive Ave., Suite 300  
Burbank, CA 91505  
Fax: (805) 367-4506  
Email: [Michael.jr@murphlaw.net](mailto:Michael.jr@murphlaw.net)

April 10, 2025

**VIA U.S. MAIL**

Attn: Sherry Brooks  
Esquire Deposition Solutions  
1100 L Street, N.W.,  
Washington, DC 20005

Re: Hunter Robert Biden v Patrick M. Byrne, Case No. 2:23-cv-09430-SVW-PD  
Re: Deposition of Special Agent David Smith

Dear Ms. Brooks:

This law firm represents Mr. Patrick M. Byrne. Enclosed, we are including our objections and questions to be read to the deponent, Special Agent David Smith.

We object to the use of the version of our questions Plaintiff's counsel included in his amended notice, dated April 7, 2025, because Plaintiff's re-typed versions of our questions include errors in questions 2, 4, and 5.

We respectfully request that our questions as written in our enclosed objections, dated March 28, 2025, be read to the deponent as we have drafted them. We further request that you read our objections to each of Plaintiff's questions to the deponent.

Under FRCP 31, *et seq.*, we are entitled to participate in the written deposition process, and to have our questions and objections submitted to the deponent, and for our questions and objections to be made an official part of the deposition transcript. We ask that you attach our objections and questions to the deposition transcript. We are also attaching the Court's order allowing us to submit our objections and questions to the deponent. We ask that you also attach this Court

April 10, 2025

Hunter Robert Biden v Patrick M. Byrne, Case No. 2:23-cv-09430-SVW-PD

Page | 2

order, dated March 18, 2025, to the transcript. Finally, we are including the amended deposition notice.

Failure to read our questions and objections to the deponent, or to include them in the official transcript, and failure to attach them to the completed transcript will result in a motion to exclude use of the deposition at trial.

Thank you.

Sincerely,

/s/ Michael C. Murphy, Esq.

Enclosed:

Exhibit A – Defendant’s Objections to Plaintiff’s Rule 31(a) Deposition Questions

Exhibit B – March 18, 2025, Court Order

Exhibit C – Plaintiff’s Amended Rule 31 Questions

# Exhibit A

Michael C. Murphy, Esq. (S.B. No. 104872)

[Michael@murphlaw.net](mailto:Michael@murphlaw.net)

Michael C. Murphy, Jr. Esq. (S.B. No. 305896)

[Michael.jr@murphlaw.net](mailto:Michael.jr@murphlaw.net)

Carmen R. Selame, Esq. (S.B. No. 334098)

[Carmen@murphlaw.net](mailto:Carmen@murphlaw.net)

LAW OFFICES OF MICHAEL C. MURPHY

2625 Townsgate Road, Suite 330

Westlake Village, CA 91361

Tel.: 818-558-3718

Fax: 805-367-4506

Attorneys for Defendant,  
Patrick Byrne

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

ROBERT HUNTER BIDEN, an  
individual,

Plaintiff,

vs.

PATRICK M. BYRNE, an individual,  
Defendant.

Case No.: 2:23-cv-09430-SVW-PD  
Judge: Honorable Stephen V. Wilson  
Courtroom: "10A"

Complaint Filed: November 8, 2023

**OBJECTIONS TO PLAINTIFF'S  
PROPOSED RULE 31(A)  
DEPOSITION QUESTIONS;  
DEFENDANT'S CROSS-  
EXAMINATION QUESTIONS TO  
SPECIAL AGENT SMITH**

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**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, pursuant to Federal Rules of Civil Procedure 31, *et seq.*, Defendant Patrick Byrne (“Defendant”), by and through his attorneys of record, make the following objections to Plaintiff’s proposed Rule 31 Deposition Questions:

As a preliminary matter, Defendant objects to the Notice of Deposition of Agent Smith on the grounds that it fails to comply with Federal Rule of Civil Procedure, Rule 31(a)(3), which *requires* that the deposition notice contain the address of the deponent and the name and address of the court reporter.

Defendant further objects to the Notice of Deposition of Agent Smith on additional grounds that it fails to comply with Federal Rule of Civil Procedure, Rule 31(a)(3), which *requires* that the party who noticed the deposition identify the name or description and the *address* of the deposition officer.

Defendant further objects to the Notice of Deposition of Agent Smith and to the deposition of Agent Smith on the grounds that the court reporter is hired by or employed by the DOJ. Defendant reserves the right to object to the use and admission of the deposition at trial on the grounds stated herein and reserves all objections on any other grounds.

Defendant further objects to the Notice of Deposition of Agent Smith and to the deposition of Agent Smith on the grounds that the deposition fails to comply with the requirements of Federal Rule of Civil Procedure, Rule 31(b), which requires that the noticing party deliver to the deposition officer all the questions and cross-examination questions, and the deposition notice. The deposition must proceed pursuant to Federal Rule of Civil Procedure, Rule 30 (c), (e), and (f).

Defendant objects to the service of the notice and questions directly on the DOJ, and Defendant objects to the DOJ accepting service of the notice and questions on behalf of the court reporter. Defendant objects to the deposition should it not

///



1 follow the procedures set forth in Federal Rule of Civil Procedure, Rule 30 (c),  
2 (e), and (f).

3 Defendant further objects to the Notice of Deposition of Agent Smith and to  
4 the deposition of Agent Smith on the grounds that the deposition fails to comply  
5 with the requirements of Federal Rule of Civil Procedure, Rule 31(c), which  
6 requires that the noticing party notify all parties when the deposition is completed.

7 **PLAINTIFF’S PROPOSED QUESTION 6:**

8 Question 6. Mr. Byrne testified in this action that in late 2021 or early 2022  
9 you met with him and John Moynihan at a parking lot at Reagan National Airport  
10 where Mr. Byrne played you an audio recording in which there was a conversation  
11 between someone and Mr. Byrne in which it was stated that Mr. Robert Hunter  
12 Biden, through an intermediary, had approached the Iranian government with an  
13 offer to have his father, President Joe Biden, unfreeze \$8 billion in Iranian funds  
14 in South Korea in return for the Iranians paying the Biden’s 10% of those funds  
15 which would go into a numbered account for his family. Is that accurate?

16 **DEFENDANT’S OBJECTION TO QUESTION 6:**

17 Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence.  
18 Misrepresents and mischaracterizes the testimony of Mr. Byrne that was given  
19 during his depositions.

20 **PLAINTIFF’S PROPOSED QUESTION 7:**

21 Question 7. Mr. Byrne testified in this action that he gave you in the car a  
22 copy of the recording that Mr. Byrne claims to have played for you as described in  
23 Question 6. Is that accurate?

24 a. If yes, did Mr. Byrne give you the recording on a device that he  
25 surrendered to you?

26 i. If no, did Mr. Byrne give you the recording via AirDrop or  
27 through another medium such as the messaging application  
28 “Signal”?

**DEFENDANT'S OBJECTION TO QUESTION 7:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony of Mr. Byrne that was given during his depositions.

**PLAINTIFF'S PROPOSED QUESTION 8:**

Question 8. Mr. Byrne testified in this action that you told him to delete the recording and not keep a copy of it. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 8:**

Objection: Compound. Vague. Ambiguous.

**PLAINTIFF'S PROPOSED QUESTION 9:**

Question 9. Mr. Byrne testified in this action that you confirmed, through various actions by various government agencies, the identity of the voice on the voicemails played in the recording and communicated that to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 9:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony Mr. Byrne gave during his depositions.

**PLAINTIFF'S PROPOSED QUESTION 10:**

Question 10. Mr. Byrne testified in this action that you confirmed the voice on the voicemails played on the recording was identified as the son of a high-ranking official with the Pakistani Minister of Defense and communicated that to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 10:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony Mr. Byrne gave during his depositions.

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**PLAINTIFF'S PROPOSED QUESTION 11:**

Question 11. Mr. Byrne testified in this action that you confirmed the voice on the voicemails played on the recording was identified as someone who had close ties to Mr. Hunter Biden and communicated that to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 11:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony Mr. Byrne gave during his depositions.

**PLAINTIFF'S PROPOSED QUESTION 12:**

Question 12. Mr. Byrne testified in this action that you confirmed the voice on the voicemails played on the recording was identified as someone who acted as a proxy for Hunter Biden and communicated that to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 12:**

Objection: Compound. Vague. Ambiguous. Assumes facts not in evidence. Misrepresents and mischaracterizes the testimony Mr. Byrne gave during his depositions.

**PLAINTIFF'S PROPOSED QUESTION 13:**

Question 13. Mr. Byrne testified in this action that you described to Mr. Byrne a letter that FBI Director Christopher Wray sent out to every FBI agent in the bureau saying not to have any contact with Mr. Byrne. Is that accurate?

**DEFENDANT'S OBJECTION TO QUESTION 13:**

Objection: Irrelevant to the subject matter of the litigation. Vague. Ambiguous. Misstates the evidence.

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1 PLEASE TAKE NOTICE THAT Defendant hereby issues the following  
2 cross-examination questions to Agent Smith. Defendant preserves all objections to  
3 the deposition going forward, as outlined above, but submits these questions in an  
4 abundance of caution so as to not waive any rights to cross-examine Agent Smith.

5 Defendant further objects to the distribution of these questions and/or  
6 objections to anyone other than a properly selected certified shorthand court  
7 reporter, properly selected by Plaintiff's counsel. The properly selected certified  
8 shorthand court reporter shall receive the questions and the objections, and upon  
9 receipt of all of them, shall schedule the deposition of the deponent, and conduct  
10 the deposition in accordance with Federal Rule of Civil Procedure, Rule 31(b),  
11 accord. Rule 30(c), (e), and (f). Defendant further objects to the distribution of  
12 the questions and objections while Defendant's ex parte application is pending  
13 before the Court. Defendant further reserves all rights to amend these cross-  
14 examination questions and objections set forth herein should the Court grant  
15 Defendant's ex parte request.

16 Defendant's Proposed Questions are as follows:

17 **DEFENDANT'S PROPOSED CROSS-EXAMINATION QUESTION 1:**

18 Mr. Byrne testified in this action that he provided to you a recording that  
19 involved Hunter Biden and Iranian Officials. Do you recall receiving any  
20 recording from Mr. Byrne related to or involving Hunter Biden and Iranian  
21 officials?

22 **DEFENDANT'S PROPOSED CROSS-EXAMINATION QUESTION 2:**

23 If Mr. Byrne provided any recording to you, did you ask him to delete the  
24 recording from any device still in his possession?

25 **DEFENDANT'S PROPOSED CROSS-EXAMINATION QUESTION 3:**

26 Is it common practice for the FBI to advise informants to retain copies of  
27 sensitive information or evidence related to national security matters?

28 / / /

**DEFENDANT’S PROPOSED CROSS-EXAMINATION QUESTION 4:**

Did the National Security Agency confirm the voice identification of the individual on the three voicemails included on the recording provided to you by Mr. Byrne?

**DEFENDANT’S PROPOSED CROSS-EXAMINATION QUESTION 5:**

Did the National Security Agency confirm that the identified individual has or had a relationship or connection to Hunter Biden?

**DEFENDANT’S PROPOSED CROSS-EXAMINATION QUESTION 6:**

Did the National Security Agency confirm that the identified individual acted as a proxy for Hunter Biden?

Dated: March 28, 2025

LAW OFFICES OF MICHAEL C. MURPHY

By: /s/ Michael C. Murphy, Esq.

---

Michael C. Murphy, Esq.  
Michael C. Murphy, Jr., Esq.  
Carmen R. Selame, Esq.  
Attorneys for Defendant,  
Patrick Byrne



**PROOF OF SERVICE**

**UNITED STATES OF AMERICA**

I am employed and am a resident of the County of Ventura, State of California.

I am over the age of 18 and not a party to the within action. My business name and address is as follows:

Law Offices of Michael C. Murphy  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361

On March 28, 2025, I served the foregoing document(s) on Opposing Counsel in this action described as follows:

**1. OBJECTIONS TO PLAINTIFF'S PROPOSED RULE 31(A)  
DEPOSITION QUESTIONS; DEFENDANT'S CROSS-  
EXAMINATION QUESTIONS TO SPECIAL AGENT SMITH**

\_\_\_\_\_ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

\_\_\_\_\_ by placing a copy of the original enclosed in sealed envelopes addressed as follows ("U.S. Mail"):

  X   by placing copies of the original through electronic transmission ("e-mail") to all parties appearing on the electronic service list as follows:

\_\_\_\_\_ by placing copies of the original through facsimile transmission ("fax") to all parties appearing on the service list as follows:

Richard A. Harpootlian, *pro hac vice*  
[rah@harpootlianlaw.com](mailto:rah@harpootlianlaw.com)  
RICHARD A. HARPOOTLIAN, PA  
1410 Laurel Street  
Columbia, South Carolina 29201  
Telephone: (803) 252-4848  
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**Attorneys for Plaintiff**  
ROBERT HUNTER BIDEN

Bryan M. Sullivan, Esq.  
Zachary C. Hansen, Esq.  
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6420 Wilshire Blvd., Suite 17th Fl.  
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Fax: (323) 301-4676  
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Email: [zhansen@earlysullivan.com](mailto:zhansen@earlysullivan.com)  
Email: [bsullivan@earlysullivan.com](mailto:bsullivan@earlysullivan.com)

The sender's name and email address are as follows:

Name: Carmen R. Selame, Esq.  
Email: [Carmen@murphlaw.net](mailto:Carmen@murphlaw.net).

\_\_\_\_ (State) I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

  X   (Federal) I declare that I am employed in the office as a member of the bar of this court at whose direction the service was made.

Executed on March 28, 2025 at Westlake Village, California.

By: /s/ Carmen R. Selame, Esq.

# Exhibit B

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW

Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Paul M. Cruz

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

**Proceedings:** ORDER DENYING DEFENDANT’S EX PARTE APPLICATION FOR AN ORDER TO EXCLUDE PLAINTIFF FROM CONDUCTING THE DEPOSITION OF SPECIAL AGENT DAVID SMITH [208]

**I. Introduction**

Before the Court is Defendant Patrick Byrne’s ex parte application for an order to exclude Plaintiff Robert Hunter Biden from conducting the deposition of special agent David Smith. ECF No. 208. For the following reasons, Defendant’s motion is DENIED.

**II. Background**

On June 27, 2023, Defendant, in an interview with the Capitol Times Magazine, claimed that Plaintiff, through an intermediary, approached the Iranian government with an offer to have his father, President Joe Biden, unfreeze \$8 billion in Iranian funds held in South Korea in return for the Iranians paying the Biden’s 10% of those funds. Plaintiff responded by suing Defendant for defamation. ECF No. 1.

Initials of Preparer

PMC



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW

Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

During discovery, Plaintiff issued a special interrogatory asking Defendant to “identify each and every source upon which [Defendant] relied when making the” statements at issue. ECF No. 89-53, Ex. 51, Interrogatory No. 18. Defendant responded with three sources: (1) information contained in the affidavit of John Moynihan; (2) a “telephone recording” that is referenced in the affidavit; and (3) information provided to Defendant from David Smith, who is an FBI agent. *Id.* Beyond stating his name in response to Plaintiff’s interrogatory, Defendant supplied no additional information about David Smith.

Later, on December 13 and 14, 2024, Plaintiff took Defendant’s deposition, in which Defendant identified a plethora of previously undisclosed information. In short, Defendant explained that he learned of the alleged bribery scheme between Plaintiff and Iran through an Iranian official named Mehdi Firouzian (often referred to by Defendant by the moniker “Movie Star”). Defendant claimed that, while meeting with Firouzian in Istanbul in 2021, he secretly recorded Firouzian describing the alleged bribery scheme. He also secretly recorded Firouzian playing out loud three voicemail recordings which purportedly implicated Plaintiff.

According to Defendant, he then returned to the United States and played this secret recording (hereinafter, “the Recording”) for two individuals: John Moynihan, Defendant’s purported contact to an interagency intelligence group within the U.S. government he calls the “League of Shadows,” and David Smith, who is purportedly a member of that interagency group. Defendant allegedly gave his only copy of the Recording to David Smith, who allegedly analyzed the Recording using voice recognition technology and confirmed to Defendant that the voice on the voicemails included in the Recording belonged to someone close to Plaintiff.

After Defendant’s deposition, Plaintiff moved to reopen discovery for the purposes of investigating the new information provided by Defendant. The Court granted this request, and explicitly gave Plaintiff permission to “[c]onduct the deposition of Mr. Smith, based on previously undisclosed information.” ECF No. 170 at 3.

Initials of Preparer

PMC



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW

Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

On January 7, 2025, Plaintiff served a *Touhy* Request on the FBI and DOJ seeking the oral deposition of Agent David Smith. Declaration of Zachary Hansen in support of Plaintiff's Motion to Compel ("Hansen Decl") ¶ 7, ECF No. 198-1. On February 14, 2025, the DOJ denied Plaintiff's *Touhy* Request. *Id.* ¶ 12. At the Court's pretrial conference, in recognition that Agent Smith was a vital witness to this case, it was agreed that Plaintiff would file a motion to compel Agent Smith's deposition, which Plaintiff did on March 3, 2025. ECF No. 198; Hansen Decl. ¶ 15.

But on March 13, 2025, Plaintiff withdrew his motion to compel and informed the Court he had agreed with the Government to perform a written deposition of Agent Smith under Federal Rule of Civil Procedure 31. ECF No. 207. That written deposition would proceed as follows: first, Plaintiff serves his proposed deposition questions on Defendant. Second, within 14 days of receiving Plaintiff's questions, Defendant serves his cross-questions on Plaintiff as well as any objections to Plaintiff's questions. Then, Plaintiff delivers all questions to a court reporter, who reads the questions to Agent Smith, transcribes his answers, and returns a certified transcript. *Id.*; *see also* Fed. R. Civ. P. 31 (explaining the process for conducting written depositions).

Defendant now moves *ex parte* for an order excluding the written deposition of Agent Smith.

### III. Discussion

Defendant wants the Court to prevent the written deposition of Agent Smith. But there is no reason for the Court to do so. Plaintiff does not need the Court's permission to conduct Smith's deposition. *See Jaramillo v. Tappan*, No. 22-cv-00075, 2023 WL 2717393, at \*2 (E.D. Cal. Mar. 30, 2023) ("A party need not obtain leave of court to depose a witness by written questions except in certain instances not present here.") Indeed, leave of the Court is only required if "the parties have not stipulated to the deposition" *and* one of the following three conditions is met: "the deposition would result in more than 10 depositions being taken under this rule or Rule 30;" or "the deponent has already been deposed in the case;" or "the party seeks to take a deposition before the time specified in Rule 26(d)." Fed. R. Civ. P.

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW

Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

31(a)(2). While the parties have not stipulated to this deposition, none of the other circumstances requiring leave of the Court apply here.

Defendant incorrectly argues that leave of the Court is required because “given the nature of the facts, and the scope of the discovery permitted by the Court, . . . this deposition will require multiple rounds of written depositions before being completed.” Def. Ex Parte Application at 8, ECF No. 208. But that a deposition may lead to more depositions is not a reason to require leave of the Court. After all, there is a chance in every deposition that new information revealed by the deponent will cause one of the parties to pursue additional depositions. Leave is only required if “*the* deposition would result in more than 10 depositions being taken.” Fed. R. Civ. P. 31(a)(2) (emphasis added). That is not the case here—deposing Agent Smith will not bring Plaintiff’s total deposition count in this case above 10.

Alternatively, Defendant argues that leave of the Court is required because this deposition constitutes an attempt by Plaintiff “to conduct further discovery” beyond the case’s discovery deadline. Def. Ex Parte App. At 7, ECF No. 208. But this is not “further discovery.” The Court explicitly gave Plaintiff permission to take Agent Smith’s deposition in its order reopening limited non-expert fact discovery on December 26, 2024.<sup>1</sup> ECF No. 170.

And while Defendant complains that it “has been entirely excluded from the [deposition] process,” permission from the opposing party is not required to conduct a Rule 31 deposition of a nonparty. *See Parker v. Crown Equip. Corp.*, No. 2:20-cv-0357-KJM, 2022 WL 1541280, at \*1 (E.D. Cal. May 13, 2022) (“Although cooperation between the parties is encouraged, defendant does not need plaintiff’s agreement to notice and hold a deposition.”); *see also Ewalan v. St. Germain*, No. 21-cv-5519, 2022 WL 2541856, at \*2 (W.D. Wash. June 21, 2022) (explaining that the plaintiff’s “consent was not required

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<sup>1</sup> As explained in that order, Plaintiff was not at fault for failing to take Smith’s deposition earlier. Prior to Defendant’s deposition in December 2024 (which Plaintiff would have taken earlier if not for Defendant’s delay), Defendant had disclosed no information about David Smith besides his name. It was only after Defendant’s deposition that Plaintiff had full view of Agent Smith’s involvement in this case. Plaintiff moved for permission to take Smith’s deposition less than one week later.

Initials of Preparer

PMC



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW

Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

before his deposition could be taken”); Fed. R. Civ. P. 31 (allowing Rule 31 depositions without imposing any requirement to acquire the consent of the opposing party). Rule 31 also explicitly *includes* Defendant in the Rule 31 deposition. Just as Plaintiff will have the opportunity to submit written questions to Agent Smith, so will Defendant. *See* Fed. R. Civ. P. 31(a)(5) (explaining that “questions from other parties” including “cross-questions” and “recross-questions” are permitted in a Rule 31 deposition). Defendant will also have the opportunity to submit objections to Plaintiff’s questions, similar to how he would in a Rule 30 deposition.

Finally, to the extent that Defendant seeks to block Smith’s deposition through traditional means—i.e., a motion for a protective order or a motion to quash—Defendant does not have standing to bring these motions. Regarding a protective order, only the party/person “from whom discovery is sought may move for a protective order” under Rule 26(c). Fed. R. Civ. P. 26(c). The Rule 31 deposition at issue here seeks discovery from Agent Smith, not Defendant. So only Agent Smith may move for a protective order.<sup>2</sup> And with respect to a motion to quash, “[d]efendants do not have standing to quash a nonparty subpoena except on grounds of privilege or privacy.” *Am. Rena Int’l Corp. v. Sis-Joynce Int’l Co.*, No. 12-cv-06972-FMO, 2013 12638502, at \*2 (C.D. Cal. Oct. 3, 2013). Neither of those grounds exist here.

#### IV. Conclusion

In sum, Defendant fails to provide adequate grounds to prevent Plaintiff from taking a written deposition of Agent Smith. Accordingly, for the foregoing reasons, Defendant’s *ex parte* application is DENIED.

The parties are ORDERED to exchange written questions according to the schedule laid out in Rule 31. The parties may submit objections to a question’s form within the time for serving responsive questions (or, if the objectionable question is a recross-question, within 7 days after being served with it).

<sup>2</sup> And even if Agent Smith did move for a protective order, he would have to make such a motion “in the court for the district where the deposition will be taken”—i.e., the United States District Court for the District of Columbia.

Initials of Preparer

PMC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-09430-SVW Date March 18, 2025

Title *Robert Hunter Biden v. Patrick M. Byrne*

Fed. R. Civ. P. 32(d)(3)(C). Moreover, as clarification, at the March 17, 2025 hearing, the Court mistakenly stated that it would evaluate Defendant's objections to the form of Plaintiff's questions. It will not. Rather, Defendant may object to the form Plaintiff's questions per the procedure outlined in Rules 31 and 32. The Court will then evaluate those objections as required when evaluating the admissibility of deposition testimony at trial.

The Court sets a jury trial in this case for July 29, 2025 at 9:30 a.m. The Court will hold a pretrial conference on July 21, 2025 at 3:00 p.m.

**IT IS SO ORDERED.**

Initials of Preparer

PMC

# Exhibit C

1 Bryan M. Sullivan, State Bar Number 209743  
2 *bsullivan@earlysullivan.com*  
3 Zachary C. Hansen, State Bar Number 325128  
4 *zhansen@earlysullivan.com*  
5 EARLY SULLIVAN WRIGHT  
6 GIZER & McRAE LLP  
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11 Richard A. Harpootlian, *pro hac vice*  
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13 Phillip D. Barber, *pro hac vice*  
14 *pdb@harpootlianlaw.com*  
15 RICHARD A. HARPOOTLIAN, PA  
16 1410 Laurel Street  
17 Columbia, South Carolina 29201  
18 Telephone: (803) 252-4848  
19 Facsimile: (803) 252-4810

20 Attorneys for PLAINTIFF  
21 ROBERT HUNTER BIDEN

22 **UNITED STATES DISTRICT COURT**  
23 **CENTRAL DISTRICT OF CALIFORNIA**

24 ROBERT HUNTER BIDEN, an  
25 individual,

26 Plaintiff,

27 vs.

28 PATRICK M. BYRNE, an individual,  
Defendant.

Case No. 2:23-cv-09430-SVW-PD

**PLAINTIFF ROBERT HUNTER  
BIDEN'S NOTICE OF  
DEPOSITION OF FBI SPECIAL  
AGENT DAVID SMITH**

Date: April 15, 2025  
Time: 10:00 AM (EDT)  
Place: U.S. Department of Justice  
1100 L Street, N.W.  
Washington, DC 20005

Complaint Filed: November 8, 2023



**TO ALL INTERESTED PARTIES AND THEIR RESPECTIVE ATTORNEYS  
OF RECORD:**

**PLEASE TAKE NOTICE** that, pursuant to Federal Rules of Civil Procedure 30, Plaintiff Robert Hunter Biden, by and through his attorneys of record, will take the deposition of FBI Special Agent David Smith, in person to answer the following questions, under oath and in writing on April 15, 2025, beginning at 10:00 AM (EDT), at the U.S. Department of Justice, 1100 L Street, N.W., Washington, DC 20005.

**PLEASE TAKE FURTHER NOTICE THAT** the deposition by written questions will be taken in the presence of Sherry Brooks with Esquire Deposition Solutions, an officer authorized to administer oaths, with offices at 1717 K Street, NW, Suite 900, Washington, DC 20006. The deposition will be recorded stenographically.

A list of all parties or attorneys upon whom this Notice of Deposition is being served is shown on the accompanying Proof of Service.

**PLAINTIFF'S RULE 31 DEPOSITION QUESTIONS**

Question 1. Please state your name.

Question 2. Do you reside in California?

Question 3. How are you employed?

Question 4. Is your employment located in California?

Question 5. How long have you been employed with that entity?

Question 6. Mr. Byrne testified in this action that in late 2021 or early 2022 you met with him and John Moynihan at a parking lot at Reagan National Airport where Mr. Byrne played you an audio recording in which there was a conversation between someone and Mr. Byrne in which it was stated that Mr.

1 Robert Hunter Biden, through an intermediary, had approached the Iranian  
2 government with an offer to have his father, President Joe Biden, unfreeze \$8  
3 billion in Iranian funds in South Korea in return for the Iranians paying the  
4 Biden's 10% of those funds which would go into a numbered account for his  
5 family. Is that accurate?  
6

7  
8 Question 7. Mr. Byrne testified in this action that he gave you in the car a copy  
9 of the recording that Mr. Byrne claims to have played for you as described in  
10 Question No. 6. Is that accurate?  
11

12 a. If yes, did Mr. Byrne give you the recording on a device that he  
13 surrendered to you?  
14

15 i. If no, did Mr. Byrne give you the recording via AirDrop or through  
16 another medium such as the messaging application "Signal"?  
17

18 Question 8. Mr. Byrne testified in this action that you told him to delete the  
19 recording and not keep a copy of it. Is that accurate?  
20

21 Question 9. Mr. Byrne testified in this action that you confirmed, through  
22 various actions by various government agencies, the identity of the voice on  
23 the voicemails played on the recording and communicated that to Mr. Byrne  
24 either directly or through Mr. Moynihan. Is that accurate?  
25

26 Question 10. Mr. Byrne testified in this action that you confirmed the voice  
27 on the voicemails played on the recording was identified as the son of a high-  
28

1 ranking official with the Pakistani Minister of Defense and communicated that  
2 to Mr. Byrne either directly or through Mr. Moynihan. Is that accurate?

3  
4 Question 11. Mr. Byrne testified in this action that you confirmed the voice  
5 on the voicemails played on the recording was identified as someone who had  
6 close ties to Mr. Hunter Biden and communicated that to Mr. Byrne either  
7 directly or through Mr. Moynihan. Is that accurate?  
8

9 Question 12. Mr. Byrne testified in this action that you confirmed the voice  
10 on the voicemails played on the recording was identified as someone who acted  
11 as a proxy for Hunter Biden and communicated that to Mr. Byrne either directly  
12 or through Mr. Moynihan. Is that accurate?  
13

14 Question 13. Mr. Byrne testified in this action that you described to Mr. Byrne  
15 a letter that FBI Director Christopher Wray sent out to every FBI agent in the  
16 bureau saying not to have any contact with Mr. Byrne. Is that accurate?  
17

18 **DEFENDANT'S RULE 31 DEPOSITION CROSS-EXAMINATION**  
19 **QUESTIONS**

20 Question 1: Mr. Byrne testified in this action that he provided to you a  
21 recording that involved Hunter Biden and Iranian Officials. Do you recall  
22 receiving any recording from Mr. Byrne related to or involving Hunter  
23 Biden and Iranian officials?  
24

25  
26 Question 2: If Mr. Byrne provided any recordings to you, did you ask him  
27 to delete the recordings from any device still in his possession?  
28

Question 3: Is it common practice for the FBI to advise informants to

Los Angeles, California 90048  
Telephone: (323) 301-4660  
Facsimile: (323) 301-4676

*Attorney for Plaintiff  
Robert Hunter Biden*

CERTIFICATE OF SERVICE

I, Phillip D. Barber, hereby certify that on , a copy of **Plaintiff Robert Hunter Biden's Notice of Deposition of FBI Special Agent David Smith** was served via email on the following:

*Attorneys for Defendant*  
Michael C. Murphy, Esq.  
Michael C. Murphy, Jr., Esq.  
Law Offices of Michael C. Murphy  
2625 Townsgate Road, Suite 330  
Westlake Village, CA 91361  
[michael@murphylaw.net](mailto:michael@murphylaw.net)  
[michael.jr@murphylaw.net](mailto:michael.jr@murphylaw.net)

*Attorney for Deponent*  
Samuel B. Bean  
U.S. Department of Justice  
1100 L Street, NW  
Washington, DC 20005  
[samuel.b.bean2@usdoj.gov](mailto:samuel.b.bean2@usdoj.gov)

*/s/ Phillip D. Barber*  
PHILLIP D. BARBER

Invoice Number	Invoice Date	Account Number	Page
8-834-48966	Apr 18, 2025	1662-1343-6	2 of 3

**FedEx Express Shipment Summary By Payor Type****FedEx Express Shipments (Original)**

Payor Type	Shipments	Rated Weight lbs	Transportation Charges	Special Handling Charges	Ret Chg/Tax Credits/Other	Discounts	Total Charges
Shipper	1		97.62	16.60			114.22
<b>Total FedEx Express</b>	<b>1</b>		<b>\$97.62</b>	<b>\$16.60</b>			<b>\$114.22</b>

**TOTAL THIS INVOICE****USD****\$114.22****FedEx Express Shipment Detail By Payor Type (Original)****Ship Date:** Apr 10, 2025**Cust. Ref.:** NO REFERENCE INFORMATION**Ref.#2:****Payor:** Shipper**Ref.#3:**

- Fuel Surcharge - FedEx has applied a fuel surcharge of 17.00% to this shipment.
- Business Closed or Adult Recipient Unavailable - Delivery Not Completed.
- Distance Based Pricing, Zone 8
- 1st attempt Apr 11, 2025 at 07:07 AM.

Automation AWB  
Tracking ID 818574470820  
Service Type FedEx First Overnight  
Package Type FedEx Envelope  
Zone 08  
Packages 1  
Rated Weight N/A  
Delivered Apr 11, 2025 09:21

**Sender**  
MICHAEL MURPHY  
MURPHY, MICHAEL C, LAW OFCS OF  
2625 TOWNSGATE RD  
WESTLAKE VILLAGE CA 91361-5751 US

**Recipient**  
TERRY BROOKS  
ESQUIRE DEPOSITION SERVICES  
1717 K ST NW STE 900  
WASHINGTON DC 20006 US

Continued on next page



Invoice Number	Invoice Date	Account Number	Page
8-834-48966	Apr 18, 2025	1662-1343-6	1 of 3

**Billing Address:**

LAW OFCS OF MICHAEL C MURPHY  
2625 TOWNSGATE RD STE 330  
WESTLAKE VILLAGE CA 91361-5749

**Shipping Address:**

MURPHY, MICHAEL C, LAW OFCS OF  
2625 TOWNSGATE RD  
WESTLAKE VILLAGE CA 91361-5751

**Invoice Questions?**

**Contact FedEx Revenue Services**

Phone: 800.622.1147  
M-F 7 AM to 8 PM CST  
Sa 7 AM to 6 PM CST  
Internet: fedex.com

**Invoice Summary**

**FedEx Express Services**

Total Charges	USD	\$114.22
<b>TOTAL THIS INVOICE</b>	<b>USD</b>	<b>\$114.22</b>

**Account Summary as of Apr 18, 2025**

Previous Balance	0.00
Payments	0.00
Adjustments	0.00
New Charges	114.22

Other discounts may apply.

To pay your FedEx invoice, please go to [www.fedex.com/payment](http://www.fedex.com/payment). Thank you for using FedEx.

**New Account Balance** **\$114.22**

*Payments not received by May 03, 2025 are subject to a late fee.*



**Important Service Message:**

Stay alert to fraud targeting your FedEx shipments and accounts. What to Watch For: - Fake tracking numbers. - Suspicious invoices. - Account compromise. How to Protect Yourself: - Track shipments and check invoices only on the official FedEx website/app. - Confirm unexpected invoices with FedEx. - Use strong passwords and enable two-factor authentication. For more info on protecting your account and reporting fraud, visit: [www.fedex.com/report-fraud](http://www.fedex.com/report-fraud). Stay secure with FedEx!

*Byrne*

Detailed descriptions of surcharges can be located at [fedex.com](http://fedex.com)



# Exhibit H



Outlook

---

**exhibits:**

---

**From** steven poulakos <spreorting5@gmail.com>**Date** Wed 4/30/2025 2:22 PM**To** Carmen <Carmen@murphlaw.net>**IRONSCALES** couldn't recognize this email as this is the first time you received an email from this sender spreorting5@gmail.com

Good afternoon. My name is Steven Poulakos. I was the court reporter for the Special Agent. I did not know that only the DOJ would be at the Q&A session. Also there were no exhibits with the questions that I received. If you need the exhibits attached please forward them to me and I will have them attached. Also if you need a copy of the transcript let me know and I will have my office get a copy with the exhibits that you will be sending me to be attached. Sorry for any inconvenience. I have never done a depo like this with reading the questions and not having counsel present. Thanks.

---

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

# Exhibit I

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
3  
4

5 ROBERT HUNTER BIDEN, an )  
individual, )  
6 )  
Plaintiff, )  
7 )  
v. ) Case No.  
8 ) 2:23-cv-09430-SVW-PD  
PATRICK M. BYRNE, an )  
9 individual, )  
 )  
10 Defendant. )  
 )

11  
12  
13 \*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*  
14  
15

16 REMOTE VIDEO DEPOSITION OF  
17 PATRICK M. BYRNE - VOLUME I  
18  
19  
20  
21  
22  
23

24 DATE TAKEN: DECEMBER 13, 2024  
REPORTED BY: RENEE HARRIS, CSR 14168, CCR, RPR  
25 JOB NO. 7060629  
PAGES: 1 - 237

Page 1

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ROBERT HUNTER BIDEN, an )  
individual, )  
 )  
Plaintiff, )  
 )  
v. ) Case No.  
 ) 2:23-cv-09430-SVW-PD  
PATRICK M. BYRNE, an )  
individual, )  
 )  
Defendant. )  
 )

\*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*

Remote Video-recorded Deposition of  
PATRICK M. BYRNE, Volume I, the witness herein,  
appearing remotely from DOHA, QATAR at  
5:40 p.m., Arabian Standard Time on Friday,  
DECEMBER 13, 2024, before Renee Harris, California  
Certified Shorthand Reporter No. 14168, New Jersey  
Certified Court Reporter No. 30XI00241200 and  
Registered Professional Reporter.

Page 2

1 APPEARANCES OF COUNSEL:

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4 BY: ABBE D. LOWELL, ESQ.

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7 AbbeLowellPublicOutreach@winston.com

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9 BY: DAVID A. KOLANSKY, ESQ.

10 200 Park Avenue

11 New York, New York 10166

12 DKolansky@winston.com

13 -and-

14 EARLY SULLIVAN WRIGHT GIZER & McRAE LLP

15 BY: BRYAN M. SULLIVAN, ESQ.

16 ZACHARY C. HANSEN, ESQ.

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18 Los Angeles, California 90048

19 Bsullivan@earlysullivan.com

20 Zhansen@earlysullivan.com

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22

23

24

25



1 APPEARANCES OF COUNSEL: (CONTINUED)

2 FOR DEFENDANT PATRICK M. BYRNE:

3 MICHAEL C. MURPHY LAW OFFICES

4 BY: MICHAEL C. MURPHY, JR., ESQ.

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6 Westlake Village, California 91361

7 michael.jr@murphlaw.net

8  
9 ALSO PRESENT:

10 Kim Smith, Videographer  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 Q. Okay. When you told him that -- what he  
2 asked, "Is it true," or however he phrased the  
3 question, did you identify the person in Iran who  
4 told you it had to do with Hunter Biden?

5 A. I don't remember the conversation 09:30:55PM  
6 distinctly enough.

7 I believe I told him that I had -- that  
8 this has been verified to me by the FBI and CIA.  
9 And NSA had worked through the weekend and had  
10 verified the voice and verified it to be a 09:31:07PM  
11 compatriot of some kind of Hunter Biden's and that  
12 they had verified that to me.

13 I believe I told him that part of the  
14 story.

15 Q. So who did you identify were the contacts 09:31:16PM  
16 that you just described you told him about, who in  
17 the FBI, who in the other agencies? He's asking  
18 you a question, I'm sure.

19 Go ahead.

20 A. I'm not sure I gave him names. I can 09:31:26PM  
21 tell you the names are David Smith and John  
22 Moynihan.

23 Q. Okay. Now --

24 THE VIDEOGRAPHER: Excuse me, Counsel.

25 I'm losing the top part of Mr. Byrne's head. 09:31:38PM

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1 Q. Okay. My question, again, then is --  
2 let's jump to that.

3 When did the Iranian tell you that?

4 A. Would have been when I was over in  
5 Istanbul meeting him November '21, I believe. 09:41:53PM

6 Q. And between the time that he told you  
7 this in November of 2021 to the time that you  
8 came, at the solicitation of Ms. Fain or others,  
9 to tell the stories in Washington in 2023, to whom  
10 did you tell anyone about what this Iranian told 09:42:09PM  
11 you about Hunter Biden?

12 A. Other than the U.S. government or who are  
13 you --

14 Q. Who in the U.S. government? I mean, I  
15 said, "anybody." So let's start with an easy 09:42:19PM  
16 category.

17 Who in the U.S. government did you tell?

18 A. John Moynihan. And then the group of  
19 people that I refer to as the "League of Shadows,"  
20 who had specifically told me that you can consider 09:42:32PM  
21 John Moynihan. "We're going to handle you through  
22 John Moynihan."

23 And when I came back, I met with the  
24 league -- I met with Dave Smith and other members  
25 of the League of Shadows and turned this over and 09:42:48PM

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1 played this.

2 And I happen to recall that was on a  
3 Thursday or a Friday because then I heard from  
4 Moynihan the following Thursday or Friday, a week  
5 later, saying that he had heard from Dave Smith 09:43:00PM  
6 and what -- that the CIA and NSA and the national  
7 geo- -- the guys up in Bethesda. It's called,  
8 like, the national geo something. It's one of the  
9 intelligence agencies -- had worked through the  
10 weekend. 09:43:22PM

11 I happen to remember they specifically  
12 said that. They had worked through the weekend.  
13 And by Monday, they had confirmed that this is the  
14 voicemail -- this is the voice of somebody who is  
15 close to Hunter Biden. And they had voice matched 09:43:34PM  
16 it and then matched his movements. And they  
17 believe that he acts as some kind of proxy for  
18 Hunter Biden.

19 I believe they said that -- and so he  
20 told me that, that they had come back with that 09:43:49PM  
21 answer by Monday or Tuesday. And they had worked  
22 through the weekend, and word reached me by  
23 Thursday or Friday. I just happened to remember  
24 that's sort of days of the week it lined up.

25 And they told me that this guy had some 09:44:00PM

1 proximity to Hunter Biden. I believe they said  
2 that -- that they golfed together. And they  
3 believe this guy meets with Hunter Biden, like, on  
4 the golf course and goes off into the world and  
5 then does his bitting.

09:44:12PM

6 Although it gets a little vague there,  
7 and I think there -- I think -- I wasn't sure --  
8 there was some mention of Georgetown. Did Hunter  
9 go to Georgetown, and this guy go to Georgetown,  
10 something. It was a little bit blurry for me in  
11 the call. But that there was, I believe, a  
12 mention of Georgetown and I believe a mention of  
13 golf.

09:44:25PM

14 But they had confirmed, in any case, the  
15 voice on the voicemail is the voice of somebody  
16 who is close to Hunter Biden. And they have some  
17 reason that they meet regularly. And then they  
18 now think that that guy goes off into the world  
19 and carries his solicitations and such.

09:44:34PM

20 Q. In the last 20 sentences, you used the  
21 word "they said," "they said," "they said."

09:44:46PM

22 So let's break that down. You've  
23 identified John Moynihan; you've identified David  
24 Smith.

25 Who's the person who is making all these

09:44:59PM

Page 226

1 statements about golfing, Georgetown, person who  
2 knows him, going off, geo location.

3 Who is saying that?

4 A. John Moynihan and then confirmed by Dave  
5 Smith when I met him again. 09:45:10PM

6 Q. And Mr. Moynihan is the one who provided  
7 a declaration in this case; right?

8 A. Yes.

9 Q. Okay. Are you aware, as you're sitting  
10 here in telling me all that, whether any of what 09:45:21PM  
11 you just said is contained in what Mr. Moynihan  
12 said in his declaration?

13 MR. MURPHY: Can you say that question  
14 again? I didn't hear it. I apologize.

15 BY MR. LOWELL: 09:45:30PM

16 Q. Did you review -- sorry.

17 Did you review Mr. Moynihan's declaration  
18 before your deposition today?

19 A. I haven't reviewed it since he first  
20 wrote it, and I think I -- I saw it when he first 09:45:38PM  
21 wrote it and some months ago, a year ago, whenever  
22 it was. But I haven't reviewed it recently.

23 Q. Okay. So you did review it at some  
24 point?

25 A. Yes. 09:45:48PM



# Exhibit J

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
3  
4

5 ROBERT HUNTER BIDEN, an )  
individual, )  
6 )  
Plaintiff, )  
7 )  
v. ) Case No.  
8 ) 2:23-cv-09430-SVW-PD  
PATRICK M. BYRNE, an )  
9 individual, )  
)  
10 Defendant. )  
)

11  
12  
13 \*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*  
14  
15

16 REMOTE VIDEO DEPOSITION OF  
17 PATRICK M. BYRNE - VOLUME II  
18  
19  
20  
21  
22  
23

24 DATE TAKEN: DECEMBER 14, 2024  
REPORTED BY: RENEE HARRIS, CSR 14168, CCR, RPR  
25 JOB NO. 7060637  
PAGES: 238 - 457

Page 238

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA  
3  
4

5 ROBERT HUNTER BIDEN, an )  
individual, )  
6 )  
Plaintiff, )  
7 )  
v. ) Case No.  
8 ) 2:23-cv-09430-SVW-PD  
PATRICK M. BYRNE, an )  
9 individual, )  
)  
10 Defendant. )  
)

11  
12  
13 \*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*  
14  
15  
16  
17

18 Remote Video-recorded Deposition of  
19 PATRICK M. BYRNE, Volume II, the witness herein,  
20 appearing remotely from DOHA, QATAR at 5:32 p.m.,  
21 Arabian Standard Time on Saturday, DECEMBER 14,  
22 2024, before Renee Harris, California Certified  
23 Shorthand Reporter No. 14168, New Jersey Certified  
24 Court Reporter No. 30XI00241200 and Registered  
25 Professional Reporter.

Page 239

1 APPEARANCES OF COUNSEL:

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1 APPEARANCES OF COUNSEL: (CONTINUED)

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7 Westlake Village, California 91361

8 michael.jr@murphlaw.net

9 carmen@murphlaw.net

10  
11 ALSO PRESENT:

12 Kim Smith, Videographer

1 that this person took instructions from Hunter and  
2 then went out and had made this contact with Iran.

3 Q. Will you turn to the next page, please?  
4 Scroll to the next.

5 MR. MURPHY: I didn't hear your last 05:55:57PM  
6 comment -- oh, go to the next page. Okay.

7 BY MR. LOWELL:

8 Q. And then will you read the top of the  
9 paragraph to yourself?

10 Tell me when you're done. 05:56:04PM

11 A. Done.

12 Q. Okay. When you returned -- how soon  
13 after your 36 hours in the hotel did you return?

14 A. I believe I returned straightaway. Oh, I  
15 returned straightaway to the U.S. 05:56:20PM

16 But if I recall, it was some days before  
17 I got back and was able to turn this over -- was  
18 able to turn this over to the government, and I  
19 forget why. I think there was a --

20 Q. And it says "the agencies went to work." 05:56:36PM

21 Can you identify the agencies that went  
22 to work?

23 A. The league of -- I was told that the  
24 league of nations -- the League of Shadows had a  
25 dozen agencies. 05:56:46PM



1 But specifically, the agencies who worked  
2 through the weekend, I was told NSA, CIA, and the  
3 National Geospatial -- I forget what they are  
4 called, but they are from Bethesda, Maryland, the  
5 National Geo-something.

05:57:00PM

6 And those three were mentioned to me as  
7 having worked through the weekend to line up all  
8 these dots and identify the voice and connect him  
9 and confirm that who -- he, in fact, did have a  
10 relationship with Hunter.

05:57:10PM

11 Q. Okay. So you mentioned the three  
12 agencies.

13 Who told you that those were the three  
14 agencies that went to work over the weekend?

15 A. Dave Smith and John Moynihan. Maybe John  
16 Moynihan -- Dave Smith and John Moynihan.

05:57:22PM

17 Q. Both of them told you?

18 A. I know John Moynihan did. I forget if  
19 that's one of the meetings that Dave Smith was in.

20 Q. And so that was an in-person thing in  
21 which he told you what you now claim he said?

05:57:35PM

22 A. I don't remember. I think so. I think  
23 so.

24 Q. Well, think about it a second, and let me  
25 know if you can identify that it was a meeting

05:57:43PM

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1 versus a call versus another form of  
2 communication.

3 A. It could have been that there was a call  
4 on Signal -- Moynihan and I used Signal -- later  
5 confirmed by a face-to-face meeting where it was 05:58:00PM  
6 mentioned.

7 But I don't -- I don't remember  
8 precisely.

9 Q. And again in the next sentence, you state  
10 as follows: 05:58:07PM

11 "I had acquired was voice-matched to the  
12 son of the Minister of Defense of Pakistan."

13 Do you see that you're, again, referring  
14 to the Minister of Defense, not a minister of a  
15 minister, not something that was garbled -- 05:58:18PM

16 A. Not an assistant minister.

17 Q. Yes.

18 A. Yes, I see that I said, "minister," not  
19 "assistant minister" or "deputy minister." I  
20 said, "minister." 05:58:29PM

21 Q. And when you say they confirmed it "all,"  
22 what is the "all" that they confirmed?

23 A. That the voice, in fact, matched somebody  
24 who was close to Hunter, that they, in fact, had  
25 some history together. 05:58:38PM

1 MR. MURPHY: And I'd like --

2 BY MR. LOWELL:

3 Q. The statements that the defendant --

4 MR. MURPHY: Wait a minute --

5 MR. LOWELL: Sorry. 06:10:15PM

6 MR. MURPHY: Wait a minute. Are you  
7 going to read it? I'm sorry.

8 Go ahead and read it.

9 BY MR. LOWELL:

10 Q. [As read]: 06:10:19PM

11 "Defendant did not make any defamatory

12 statements. The statements that the

13 defendant made were done in reliance on

14 information set forth in the affidavit of

15 John Moynihan, information provided by David 06:10:26PM

16 Smith and telephone recording."

17 Those are the three things mentioned;

18 correct?

19 A. Yes.

20 MR. MURPHY: And I'd like the record to 06:10:35PM

21 also reflect that there is also an objection

22 to us disclosing confidential, covert

23 sources.

24 BY MR. LOWELL:

25 Q. Okay. When you say -- 06:10:47PM

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1 One, for example, you just identified,  
2 which is that he said that this was about funds in  
3 North Korea; right?

4 A. Yes. I'm sure he meant South Korea. It  
5 was --

06:26:46PM

6 Q. Well, how do you know that he meant South  
7 Korea if you didn't talk to him about this?

8 A. Because we did talk about the funds in  
9 South Korea.

10 Q. So it's a mistake on his part?

06:26:54PM

11 A. Yes.

12 Q. He certainly is somebody that you would  
13 have said knows the difference between the two  
14 countries; right?

15 A. Yes.

06:27:02PM

16 Q. And then it says, "The call was to  
17 reveal."

18 Which call was to reveal?

19 A. I don't know. I can't speak what's -- I  
20 think that this was fairly sloppy, and I can't  
21 speak to what is in John Moynihan's head.

06:27:19PM

22 Q. Okay. If you'll -- it goes on. It says  
23 as follows --

24 A. I think he may mean the -- I think he may  
25 have meant the meeting was to reveal or the

06:27:29PM

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1 meeting --

2 Q. Okay.

3 A. -- in the car was to reveal or something  
4 like that. What I -- if you ask me what he meant,  
5 I think that's what he meant. He just --

06:27:39PM

6 Q. Could you go to -- sorry.

7 Keep going.

8 I wanted to go two paragraphs down, where  
9 it says, [as read]: "Patrick Byrne then  
10 proceeded to play the tape on the speaker of  
11 his telephone."

06:27:46PM

12 Do you see that?

13 A. Yes.

14 Q. So you're the person who then played  
15 whatever the recordings were; correct?

06:27:56PM

16 A. Yes.

17 Q. And it says he "had not heard of this  
18 before"; right?

19 A. Yeah.

20 Q. So how do you jibe his saying he hadn't  
21 heard of it before versus what you had testified  
22 to, as to your coming back and providing it to him  
23 and Mr. Smith?

06:28:12PM

24 A. This is -- I believe he's referring to  
25 this meeting. Yes --

06:28:25PM

1 Q. This meaning that occurred in a car, as  
2 opposed to the way you described it before?

3 A. How did I describe it before differently?

4 Q. The League of Shadows, the three  
5 different agencies; that part of the testimony. 06:28:39PM

6 A. I don't understand any inconsistency.  
7 There is none. No.

8 The tapes were turned over in a meeting  
9 in an automobile near Ronald Reagan Airport. I  
10 turned them over -- I played them, turned them 06:28:53PM  
11 over, and then left. And about -- that was  
12 probably on a Thursday or Friday.

13 And about a week later, I was contacted  
14 by Mr. Moynihan who told me that Dave Smith had  
15 contacted him a couple days earlier to tell him 06:29:04PM  
16 that Dave Smith had taken the tapes and turned  
17 them into the League of Shadows.

18 And that the NSA, DNA, blah, blah, blah,  
19 had worked through the weekend, and they had come  
20 back by Monday or Tuesday and had matched 06:29:17PM  
21 everything up; that this was, in fact, the voice  
22 of somebody who is close to Hunter Biden and  
23 everything else.

24 Q. And about the golf and about Georgetown?

25 A. Yes -- 06:29:29PM



1 with the witness, where they had a discussion  
2 or where they were meeting with Mr. Smith and  
3 the witness. And you're asking him to guess  
4 and speculate.

5 BY MR. LOWELL:

06:31:21PM

6 Q. Did Mr. Moynihan --

7 MR. MURPHY: I'm going to instruct -- I'm  
8 going to instruct Mr. Byrne not to answer the  
9 question if he has to speculate.

10 BY MR. LOWELL:

06:31:28PM

11 Q. Okay. I'm not asking you to speculate.

12 Did you come to understand from

13 Mr. Moynihan that he had any information about  
14 what was on the tape and who was speaking, other  
15 than from what you provided him?

06:31:36PM

16 A. And the -- the League of Shadows. We're  
17 missing -- we're leaving one thing out. And  
18 I'm -- you're talking around it, and I'm talking  
19 around it. This talks around it.

20 Q. When you say "League of Shadows," by the  
21 way, is that an official name or something you  
22 made up?

06:31:51PM

23 A. I made up to refer to this Inter-Agency  
24 Task Force. The official name was, like -- I  
25 have -- something -- Inter-Agency Task Force

06:32:01PM

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1 dealing with international threat, blah, blah,  
2 blah. I don't know.

3 But I just started just -- I come up with  
4 mental code words for everything. I call it

5 "League of Shadows." Here is what -- 06:32:10PM

6 Q. So -- sorry.

7 You have something else to say?

8 MR. MURPHY: Finish your answer.

9 I want him to finish his answer, and I  
10 want to you stop interrupting him. 06:32:19PM

11 Go ahead.

12 THE WITNESS: I can clear this up very  
13 quickly. I can clear this up very quickly.

14 There's the truth and -- there's -- the  
15 truth is since January 4th, John Moynihan 06:32:28PM

16 told me to continue operating --  
17 January 2021 -- and working to uncover what  
18 was going on and that there were people  
19 looking out for me from up above.

20 Then we got to -- and once a month from 06:32:41PM

21 then on, he repeated that. When we got to  
22 May or June, he started explaining to me,

23 "There's this Inter-Agency Task Force looking  
24 out for you, Patrick. No one is going it  
25 touch you. Keep charging." 06:32:55PM

1 We got to, say, September. The request  
2 comes in from -- oh, somewhere in there, he  
3 was brought in. And he told me, maybe in  
4 August, he was put through the two- or  
5 three-day course in the career of Patrick 06:33:09PM  
6 Byrne.

7 He said that the FBI had this voluminous  
8 two- or three-day course to study the whole  
9 intelligence career of Patrick Byrne. And  
10 then I got this mess- -- and that he was to 06:33:20PM  
11 act as my handler.

12 Then I got the message from Iran that --  
13 I turned that over to John. That's when  
14 Moynihan came back after a few days and said,  
15 "They want to meet with you face-to-face." 06:33:32PM

16 Then my first meeting face-to-face was  
17 with Dave Smith and John in this steakhouse.  
18 And we discussed a variety of things, a  
19 variety of subjects.

20 Actually, it's just occurred to me. I'm 06:33:46PM  
21 sorry. I think everything I just told you  
22 was true. And then -- either that was all  
23 exactly the truth, or that was all exactly  
24 the truth with one exception.

25 All that happened. And then a couple 06:33:55PM

1 weeks later, Iran reached out to me.

2 One of those two stories -- narratives is  
3 the truth. But the narrative I just told you  
4 is true.

5 I forget, when we met in the steakhouse, 06:34:07PM  
6 whether the requests had come in from Iran or  
7 not.

8 But if not, it came within a couple weeks  
9 of that. Then I went back to D.C. and met  
10 with more people in the League of Shadows. 06:34:16PM  
11 They all had a briefing about my relationship  
12 with Qasem Soleimani and how it had come  
13 about, thanks to John Brennan and the CIA.

14 And -- and they were all briefed up on it  
15 and told me they were briefed up on it. 06:34:28PM

16 And then they told me to accept the  
17 invitation to go back and see Movie Star, but  
18 don't go to Tehran. Have him come out.

19 So I hope that was a concise way to clear  
20 up your confusion. 06:34:41PM

21 BY MR. LOWELL:

22 Q. It didn't clear up my confusion, but I'm  
23 so glad you stated it all. So thank you for  
24 finishing the answer.

25 Take that down, and let's put up another. 06:34:49PM

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1 mention that before?

2 A. Well, I don't have it.

3 Q. So you didn't keep a copy of it?

4 A. No. I typically do not keep a copy of

5 these things. It's very rare. 06:36:44PM

6 Q. Well, you have the copy of the

7 voicemails; correct?

8 A. Yes. Like I say, it's very rare that I

9 keep a copy. I turn things into the government.

10 Q. When you came back from Istanbul with 06:36:55PM

11 this recording of you and Movie Star, to whom did

12 you provide it?

13 A. I provided that to Dave Smith.

14 Q. Okay.

15 A. And John Moynihan heard that. 06:37:05PM

16 Q. When did you provide it to Dave Smith?

17 A. In the same meeting in the car.

18 Q. So you played the three tape voicemails

19 in the car; right?

20 A. Yes. 06:37:22PM

21 Q. And you also now are saying you played

22 the recording of the conversation you had with

23 Movie Star in the car at the same time -- not at

24 the exact same time but in the same car at the

25 same meeting; yes? 06:37:35PM

1 A. Yes.

2 Q. And David Smith and Mr. Moynihan were  
3 there when you did that?

4 A. Yes.

5 Q. And where was the recording between you 06:37:42PM  
6 and Movie Star, such that you could play it?

7 A. It was made in Istanbul. I'm not in --

8 Q. No. No.

9 I'm saying where -- how could you play  
10 it? On what device did you play that? 06:37:58PM

11 A. A different device, a device that I do  
12 not have, a device that was surrendered.

13 Q. What device was that, Mr. Byrne?

14 A. I'm not going to go into any more  
15 about what I'm -- about what I do with the 06:38:08PM  
16 government. I mean, I'm not --

17 Q. That's not what I asked you.

18 On what kind of device? Was it your  
19 phone? Was it a tape recording?

20 A. Dave -- Dave Smith. Ask Dave Smith. He 06:38:16PM  
21 has --

22 Q. Okay.

23 A. He has that.

24 Q. I have to ask you for the record,  
25 Mr. Byrne. So I apologize for asking. If you 06:38:22PM



1 don't want to say it, you can say it.

2 Are you not going to tell us, having now  
3 described a new conversation, what was the device  
4 on which you played it in the same car meeting?

5 A. I'm not going to describe -- I'm not 06:38:36PM  
6 going to answer that. But it --

7 Q. On what basis are you not answering?

8 A. It would -- because it's related to  
9 methods of working with the government. What I  
10 have was surrendered -- what I have was 06:38:48PM  
11 surrendered to Dave Smith.

12 Q. You played for us or you provided for us  
13 the recordings that you say you took, stole  
14 without permission from Movie Star.

15 And now you're saying you're not going to 06:39:01PM  
16 explain how or the recorded way that you played it  
17 in the car because it has something to do with  
18 methods.

19 Is that your answer?

20 MR. MURPHY: Well, that mischaracterizes 06:39:13PM  
21 his testimony.

22 MR. LOWELL: I'll withdraw the question.

23 BY MR. LOWELL:

24 Q. I'm just going to ask you straight up the  
25 following questions: In the car, you played this 06:39:21PM

1 other recording. True or false?

2 A. Yes.

3 Q. Mr. Smith and Mr. Moynihan were in the

4 car when that happened. True or false?

5 A. True.

06:39:35PM

6 Q. It was played in the car as well as you  
7 played for them the recordings of the voicemails.

8 True or false?

9 A. True. It was played -- it was

10 surrendered in that car, whether I was the one who

06:39:47PM

11 played it or someone else is the one who played

12 it.

13 Q. Okay. But it was played nevertheless in

14 the car so they could hear it?

15 A. Yes.

06:39:58PM

16 Q. And you gave it to Mr. Smith, whatever it

17 was?

18 A. Yes.

19 Q. And you won't identify what kind of

20 device it was that you handed to Mr. Smith?

06:40:06PM

21 A. I think it would be inappropriate for me  
22 to go into any more detail about methods with the  
23 government.

24 Q. Inappropriate why?

25 A. Because I'm way already over the line of

06:40:13PM

1 describing how things work with the U.S.

2 government.

3 Q. And then you get to draw the line as to

4 when you're over it?

5 A. Well, I think I'm probably well over.

06:40:24PM

6 You know, if a judge tells me to reveal more, I'll

7 reveal more.

8 But I don't --

9 Q. Okay. Well --

10 A. -- want to reveal any more.

06:40:31PM

11 Q. Why stop on this device? You've told

12 us about --

13 A. Wherever I stop, you're going to say, Why

14 stop here?

15 Q. Okay. Now, that device that you handed

06:40:42PM

16 over in the same car that you -- said to you --

17 handed over to Mr. Smith, between you and Movie

18 Star, does that have any information that mentions

19 the name Hunter Biden?

20 A. That has a conversation between me, where

06:40:59PM

21 there's a mention of Hunter Biden from me and

22 Movie Star.

23 Q. So the name Hunter Biden exists on that

24 recording?

25 A. I believe so, yes.

06:41:09PM

1 happened.

2 Q. Okay. And your testimony today under  
3 oath is this recording, distinct from the  
4 voicemails, you didn't keep a copy of?

5 MR. MURPHY: Well, I'm going to object to 06:43:47PM  
6 the question.

7 Now you're saying there's a fifth  
8 recording, and he never, ever said that.  
9 That mischaracterizes his testimony.

10 MR. LOWELL: Fourth -- fourth recording. 06:43:54PM

11 BY MR. LOWELL:

12 Q. I'm just saying there are three  
13 recordings that you provided in discovery.

14 And this one that you testified to today  
15 is one that you say you do not have a copy of. 06:44:03PM  
16 True?

17 A. True.

18 Q. And that you turned it over to Mr. Smith.  
19 True?

20 A. Yes. Yes. 06:44:14PM

21 Q. And that it was played by someone in the  
22 car. True?

23 A. True.

24 Q. Okay. And in that one, which you don't  
25 have a copy of, that you say was played in the 06:44:24PM

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1 A. Yes. That would be, like, March of '22.

2 Q. Okay. And since March of '22, if that's  
3 the date, have you had any contact with him  
4 thereafter?

5 A. Not directly.

07:05:35PM

6 Q. How so indirectly?

7 A. Well, I still talk to Moynihan.

8 Q. And Mr. Moynihan continues to have  
9 conversations with Mr. Smith?

10 A. Actually, Mr. Smith disappeared for quite  
11 some time.

07:05:45PM

12 Q. When you say he "disappeared," Mr. Smith  
13 was mentioned as a potential witness in  
14 disclosures made by you through your counsel as  
15 being an FBI agent that could be found at the  
16 Washington Field Office of the FBI.

07:06:00PM

17 Is that what you mean by "disappeared"?

18 MR. MURPHY: You know what, Counsel, wait  
19 a minute.

20 The question is argumentative.

07:06:07PM

21 And simply because somebody lists an  
22 address does not mean they're missing.

23 You can go ahead and answer the question.

24 THE WITNESS: He was at the Washington

25 headquarters. Then he disappeared. Then he

07:06:22PM

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1 reemerged with new -- for quite some time was  
2 difficult to find.

3 And then he reemerged at the Washington  
4 Field Office, where he is today and where he  
5 can be reached. 07:06:34PM

6 BY MR. LOWELL:

7 Q. Okay. But when you say he was "difficult  
8 to find," I asked you when was the last time you  
9 had contact with him, and you said March or so of  
10 2022. 07:06:44PM

11 A. No. You didn't say Hunter --

12 Q. To whom was --

13 MR. MURPHY: Wait a minute.

14 You mischaracterized his testimony but...

15 BY MR. LOWELL: 07:06:48PM

16 Q. Mr. Moynihan is in contact with him, but  
17 you haven't been since 2022; is that right?

18 A. That's correct.

19 Q. So when you say he "disappeared" and was  
20 hard to find, you mean Mr. Moynihan could not find 07:06:56PM  
21 him?

22 A. Mr. Moynihan said that he had gone off  
23 the grid. And then he reemerged with duties at  
24 the Field Office.

25 Q. When did Mr. Moynihan tell you that 07:07:07PM



1 Tab 26 -- what is it? I'm sorry for the  
2 misunderstanding, then.

3 Could you recall Deposition Exhibit  
4 No. 7, put it up on the screen.

5 BY MR. LOWELL:

07:18:28PM

6 Q. And with that, would you please turn to  
7 Interrogatory No. 14, please.

8 Interrogatory 14 reads as follows:

9 "If you contend that the defamatory  
10 statements are true, please state all the 07:18:47PM  
11 facts that support your contention."

12 And then the response is, again:

13 "The defendant did not make any  
14 defamatory statements. The statements are  
15 true. Defendant verified some of the facts 07:18:59PM  
16 with the assistance of Mr. David Smith and  
17 Mr. John Moynihan. Doe 1 provided Defendant  
18 with the information contained in the alleged  
19 defamatory statements. Defendant had no  
20 reason to believe that the statements made to 07:19:10PM  
21 him by Doe 1 were false. Doe 2 is on the  
22 voicemails and defendant believes that the  
23 statements contained in the voicemails are  
24 true."

25 That was your response; correct?

07:19:20PM

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1 Mr. Byrne, that's your response; correct?

2 A. Yes.

3 Q. Who is Doe 1?

4 MR. MURPHY: Okay. He -- I'm going to

5 clarify this for you and make it easy. 07:19:35PM

6 We had a meeting with the magistrate

7 judge over this issue, and she agreed we did

8 not have to disclose who Movie Star was or

9 the identity of the person on the tape. And

10 she agreed that we could refer to them as 07:19:47PM

11 Doe 1 and 2.

12 So when we provided this response to this

13 interrogatory, it was consistent with her

14 authorization.

15 Doe 1 is going to be Movie Star. And 07:19:56PM

16 Doe 2, for purposes of the deposition and

17 this discovery, is the son of the Minister of

18 the Defense of Pakistan or Assistant Minister

19 of Defense of Pakistan that's on the

20 recordings that's been covered previously in 07:20:10PM

21 the deposition.

22 MR. LOWELL: And so is it -- my

23 understanding is you're saying that the

24 Magistrate has said that you don't ever have

25 to identify who Doe 1 is? 07:20:20PM

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1 THE WITNESS: I thought that --

2 MR. MURPHY: I mean, finish his answer.

3 Go ahead.

4 THE WITNESS: I believe you said,

5 "Mr. Moynihan or the League of Shadows." 07:45:02PM

6 BY MR. LOWELL:

7 Q. But now I was objected to, so let me just  
8 depict this individually.

9 Did Mr. Moynihan provide you with any  
10 information for you to make the allegation in this 07:45:09PM  
11 posting, him specifically?

12 A. Mr. Moynihan has confirmed to me his  
13 belief that your client is influencing --  
14 influence peddling around the world.

15 Q. I didn't ask you that either. So let's 07:45:24PM  
16 be clear.

17 "You can collect more than 30 million  
18 from the Chinese government."

19 Did Mr. Moynihan tell you that?

20 A. Not that specifically. 07:45:34PM

21 Q. Okay. Did he tell you, you can work with  
22 "spy chief of China"?

23 Did Mr. Moynihan tell you that?

24 A. Well, Mr. Moynihan has told me that he  
25 believes the allegations about your client 07:45:46PM

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Page ID #: 6221

1 influence peddling are true in general.

2 Now, you go bit by bit, it's not -- he  
3 hadn't given me bit by bit confirmation. But he  
4 has confirmed to me that he believes your client  
5 is selling his father's influence globally. 07:46:02PM

6 Q. Okay. That's, again, not my question.  
7 So let me just keep coming until I can get the  
8 answer.

9 Did Mr. Moynihan provide you with the  
10 information that you posted on this post? 07:46:12PM

11 A. Same answer.

12 Q. "Chinese government," "spy chief of,"  
13 "half your salary," etc.

14 Was that from him?

15 A. Same answer. Same answer. 07:46:19PM

16 Q. So he did not -- he just believes it?

17 A. Same answer.

18 Q. How about Mr. Smith? Did he provide you  
19 with any information that is in this posting?

20 A. Mr. Smith also gave me to understand he 07:46:30PM  
21 believes the allegations about your client  
22 influence peddling on his father's name are true.

23 Q. Okay. How about -- about the specifics  
24 about the 30 million from the Chinese government?

25 Did Mr. Smith provide you any information about 07:46:43PM

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# Exhibit K

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ROBERT HUNTER BIDEN, an )  
individual, )  
 )  
Plaintiff, )  
 )  
v. ) Case No.  
 ) 2:23-cv-09430-SVW-PD  
PATRICK M. BYRNE, an )  
individual, )  
 )  
Defendant. )  
 )

\*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*

REMOTE VIDEO DEPOSITION OF  
PATRICK M. BYRNE - VOLUME III

DATE TAKEN: February 4, 2025  
REPORTED BY: RENEE HARRIS, CSR 14168, CCR, RPR  
JOB NO. 7103502  
PAGES: 459 - 575

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ROBERT HUNTER BIDEN, an )  
individual, )  
 )  
Plaintiff, )  
 )  
v. ) Case No.  
 ) 2:23-cv-09430-SVW-PD  
PATRICK M. BYRNE, an )  
individual, )  
 )  
Defendant. )  
 )

\*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*

Remote Video-recorded Deposition of  
PATRICK M. BYRNE, Volume III, the witness herein,  
appearing remotely from HANOVER, NEW HAMPSHIRE at  
9:35 a.m., Eastern Standard Time on Tuesday,  
February 4, 2025, before Renee Harris, California  
Certified Shorthand Reporter No. 14168, New Jersey  
Certified Court Reporter No. 30XI00241200 and  
Registered Professional Reporter.

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9  
10 ALSO PRESENT:

11 Heidi Stuart, Videographer

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1 know something fascinating that's going on?"

2 And then he -- he brought up this --  
3 these communications and this overture. And he  
4 explained it to me, and he played the tapes.

5 Shall I continue, or should -- am I 10:15:29  
6 getting too far ahead of your question?

7 Q. Keep going.

8 A. He played the tapes once. And then I  
9 asked him to play them again.

10 But I got -- as I was doing that -- or in 10:15:44  
11 the process of that, I got my phone out and  
12 fumbled with it in a moment he couldn't see. And  
13 I got the recording function going on my phone.

14 And so I made a recording set -- where I  
15 was saying, "I didn't quite catch that. Would you 10:16:01  
16 mind playing that again?"

17 And he -- and he says -- so we were  
18 chatting -- so let's -- let's speak of there as  
19 being Voicemails A, B and C. And then there's a  
20 Recording D. And the Recording D is that 10:16:20  
21 recording made in my shirt pocket as he plays A,  
22 B, and C together.

23 Except I think he only got sort of B to  
24 C -- A and B are both, like, one-minute recording,  
25 and then C is this five-minute recording. 10:16:36

1 Q. And what -- what did Movie Star  
2 specifically say about Hunter Biden?

3 A. Oh, well, specifically, he -- he told me  
4 that Hunter Biden had, through an intermediary,  
5 approached -- had approached the U.S. government 10:18:13  
6 with an offer -- through an intermediary had  
7 approached the Iranians with an offer.

8 And the offer was, Will you guys -- if  
9 you will pay us -- now, I understood it to be 8  
10 billion. You, Iranians, have 8 billion -- or I 10:18:33  
11 remember it as being 8 billion, not 6 billion but  
12 8 billion frozen in a South Korean bank. My  
13 father will unfreeze that money so you can have it  
14 if you will take 10 percent off. And it will go  
15 into a numbered account for us somewhere. And if 10:18:50  
16 you will do this, it will lubricate the other  
17 discussions that have recently started between us  
18 and Patrick. And Patrick -- that is what Hunter  
19 Biden -- the message he is sending to us through  
20 his intermediary. 10:19:06

21 And, you know, at -- just two months ago,  
22 the JCPOA talks started up again in Geneva. So he  
23 was very clear. They understood this to be  
24 saying, If we give a tenth of what's in that South  
25 Korean bank to the Bidens, they will release it, 10:19:19

1 with for years, I don't record things. I don't  
2 wear wires. I can come back, and I tell them  
3 something, and my word is good.

4 And there was a period where I would get  
5 polygraphed and stuff on that, but I just passed 10:21:42  
6 everything.

7 So there came a point by 10 or 15 years  
8 ago, where I never had to worry about people  
9 challenging my -- my word on anything. I came  
10 back from meetings and just -- they knew. 10:21:55

11 But this League of Shadows was new to me.  
12 And they did not -- they had not worked with me  
13 for years. So I thought it was good to get a  
14 recording of those voicemails.

15 And us talking -- Movie Star and I are 10:22:10  
16 talking about Hunter. He's saying something like,  
17 "Here" -- he says something to me like, "He's --  
18 just listen. He's coming up to the point where  
19 he's talking about Hunter," or something like  
20 that. 10:22:24

21 So he was getting me to focus on one  
22 particular section and basically saying, "Listen.  
23 This is where he's talking about Hunter,"  
24 something like that.

25 So it was very clear -- so there was -- 10:22:34



1 first of all, the conversation was before the  
2 voicemails were played, by and large where I had  
3 the whole understanding. Then there's the point  
4 where the voicemails were played. He's not  
5 telling me that whole conversation over the 10:22:43  
6 voicemails.

7 But as the voicemail was played, we were  
8 still muttering to each other a little bit about,  
9 Okay, is this -- so he's saying, This is the law  
10 firm -- you know, I mean, we were whispering to 10:22:56  
11 each other over this with, of course, him not  
12 knowing that underneath my jacket, I've got my  
13 cell phone recording.

14 Q. So if you recorded it on your iPhone, was  
15 it saved to the cloud? 10:23:13

16 A. No.

17 Q. Wouldn't it automatically be saved to the  
18 cloud if it's on your iPhone?

19 A. Only if you have it set that way.

20 Q. And you didn't have it set that way? 10:23:20

21 A. No. I was trained by a group called  
22 orange.

23 And, no, that's one of the things you --  
24 no. You -- nothing -- your phone is not  
25 automatically -- you don't want it automatically 10:23:29

1 uploading to the cloud; otherwise, you're always  
2 making -- for just the reason you're saying.

3 No. It's bad security.

4 Q. And how did you get it from the phone --  
5 because you testified that you gave the -- this is 10:23:46  
6 the fourth recording we're referring to. You're  
7 saying it's Recording D.

8 But it's the fourth recording that we've  
9 referred to in your prior depo and the pleadings,  
10 the first three being the voicemails. 10:23:57

11 You testified that you gave that to Dave  
12 Smith?

13 A. Yes.

14 Q. How did you give it to Dave Smith?

15 A. It would either have been an AirDrop or a 10:24:03  
16 Signal message. But more likely -- an AirDrop  
17 would be normal practice and good field craft so  
18 you're not even putting it through the wires.

19 Q. In your prior depo, you said you gave  
20 Dave Smith a device with the recording on it. 10:24:21

21 Do you remember that?

22 A. I don't remember that. I may have  
23 been -- I don't remember. I didn't hand over the  
24 device.

25 I gave him the device -- I hand over -- 10:24:31

1 I'm pretty confident we did an air -- not air --  
2 AirDrop -- an AirDrop right there. But it was  
3 still off my phone.

4 Q. Would there be --

5 A. It's also -- okay. 10:24:45

6 Where I was hesitant or stumbling a bit  
7 before -- or your guy, your colleague, was doing a  
8 lot of hunt -- hunt-and-peck -- is I didn't feel  
9 super comfortable explaining what standard  
10 operating procedure is. 10:24:58

11 I have now checked. And this is not  
12 considered -- anyway, I'm going to tell you.  
13 Standard operating procedure is you turn something  
14 like that over. You AirDrop it, and then they  
15 watch you delete it. They want to see you delete 10:25:09  
16 it off your phone. So that's what happened.

17 Q. So Dave Smith told you -- instructed you  
18 to delete this from your phone?

19 A. Yes. In fact, I believe he watched me.

20 Q. Did they also check the cloud to make 10:25:23  
21 sure that it didn't accidentally get uploaded to  
22 the cloud?

23 A. No, but it's standard practice for any of  
24 us in this business. You never have your phone  
25 backing up to the cloud. You never have your 10:25:33

1 A. No. And again, it wasn't the main event  
2 of what the -- our meeting was about.

3 Q. And this, again, was in November 2021?

4 A. Yes.

5 Q. And then you -- when you came back to the 10:26:44  
6 U.S., you gave it to Dave Smith in November 2021?

7 A. I think it was December. I think it was  
8 about 10 or 15 days and later, before we had our  
9 meeting.

10 And we met in DC, and we met out by DCA 10:26:56  
11 airport in a parking lot. I mean, he pick -- I  
12 went into the FBI -- there's a restaurant next  
13 door, a burger shack, where all the guys eat.

14 They were there. I got to meet more of the  
15 people, big fellas on this crew, this League of 10:27:15  
16 Shadows.

17 And then Dave picked me up -- got a car,  
18 and he and John and I drove out to DCA and sat in  
19 a parking lot. And in the parking lot, I  
20 debriefed the trip. 10:27:27

21 And then I got to the point about this  
22 and told them the story and then played them D.  
23 All I had at the time was D, Recording D. And I  
24 played them Recording D.

25 Q. Okay. And that was Dave Smith and John 10:27:41

1 Moynihan, just to be clear?

2 A. Yes. John was in the back. Dave was in  
3 front of me.

4 Q. And you don't -- and you -- and you do  
5 not have a copy of the fourth recording at all? 10:27:52

6 A. I don't have a copy of the fourth  
7 recording. I deleted it right there in front of  
8 him.

9 Q. Have you looked for the --

10 A. I've tried to -- I'm on another phone. 10:28:02  
11 That actual phone was retired. I have a new  
12 phone.

13 But I've gone back and tried to do  
14 forensics to recover it. And I cannot -- I have  
15 not been able to recover it. 10:28:13

16 Q. Okay. What -- when you say you "tried to  
17 do forensics," was this you or some sort of  
18 computer tech specialist?

19 A. No. This was me. This was me going  
20 through everything that had been deleted, seeing 10:28:27  
21 if I could undelete these messages.

22 Q. And when you say "messages," text  
23 messages, Signal, WhatsApp?

24 A. Yes.

25 Q. All of the above? 10:28:39

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1 Star in -- in -- I think it was July of 2023, I  
2 had in mind, I want to recover those three  
3 original voicemails off his phone.

4 MR. SULLIVAN: All right. And, Zach, can  
5 we call up Exhibit 26? Zach? Sorry. 10:30:09

6 (Exhibit 26 was received and marked  
7 for identification on this date and is  
8 attached hereto.)

9 BY MR. SULLIVAN:

10 Q. All right. This -- this was produced by 10:30:34  
11 your counsel.

12 Do you recognize --

13 MR. SULLIVAN: Let's -- Zach, let's  
14 scroll through it.

15 THE WITNESS: Yes. What I recognize is 10:30:41  
16 we stayed in a nice hotel just across from  
17 the embassy. So I went back.

18 I've been to Rome a bunch of times, but I  
19 went back through my notes to find the time I  
20 had stayed in a hotel by the embassy. And 10:30:52  
21 this was the hotel.

22 BY MR. SULLIVAN:

23 Q. Okay. And then -- so -- and then there's  
24 an American Express charge from Royal Dutch  
25 Airlines? 10:31:04

1 year.

2 Q. When was the last time you spoke with  
3 Dave Smith?

4 A. It would have been probably, like,  
5 January, February, 2023 -- 2022. 10:38:52

6 Q. And did you talk about the recording that  
7 you gave him at that conversation?

8 A. No. And it was more of a very awkward  
9 meeting because word had gone out from Christopher  
10 Wray. Did not have any -- 35,000 FBI agents 10:39:13  
11 received a letter saying, "You cannot talk to  
12 Patrick Byrne anymore." No one is to have any  
13 contact with him.

14 So he wasn't really supposed to meet with  
15 me, but we -- we saw each other in passing. Let's 10:39:26  
16 say in the lobby of a hotel in DC. And a quick --  
17 I met with Moynihan.

18 Moynihan met with him, and then Moynihan  
19 came to this hotel. And we met in the lobby. And  
20 I met -- Moynihan delivered a message to me. 10:39:42

21 And when I was done, I looked up, and  
22 there was Dave Smith sort of across the lobby  
23 waving to confirm, yes, this message came from  
24 John Moynihan.

25 And then that was the last face-to-face 10:39:54



1 information.

2 So what is Hassan's name?

3 A. Hassan El Husseini.

4 Q. Can you spell that?

5 A. Last name is spelled E-l H-u-s-s-e-i-n-i. 10:56:11

6 He's a Lebanese national. His telephone number is  
7 961-3-777-369.

8 Q. Do you have his address?

9 A. I gave it to you. In the previous  
10 deposition, I gave it. It would have been 10:56:45  
11 Baalbek, Lebanon. Baalbek is B-a-a-l-b-e-k,  
12 Baalbek, Lebanon.

13 And you could put it -- what's the name  
14 of that lodge there. Just a moment. The family  
15 owns a -- oh, the Palmyra Hotel -- the Palmyra 10:56:59  
16 Lodge, P-a-l-m-y-r-a.

17 Q. And you said Hassan's family owns it?

18 A. Yeah. The Palmyra Hotel, Baalbek,  
19 Lebanon. If you send something to that address,  
20 he will get it. 10:57:26

21 Q. Are there any other pseudonyms that he  
22 goes by?

23 A. No.

24 Q. Are there any pseudonyms that you --  
25 pseudonyms or code names that you've given him -- 10:57:32

1 Q. Do you know who Doe 2 is?

2 A. Not precisely. I know what I was told by  
3 both the Iranian and what I was told by the  
4 American, by Dave and John Moynihan.

5 Q. What were you told by -- and when you say 11:14:27  
6 "Iranian," you mean Movie Star?

7 A. Movie Star.

8 Q. What were you told by Movie Star?

9 A. That this was the son of somebody high up  
10 in the Pakistani government. I understood it to 11:14:38  
11 be the defense minister or somebody like the  
12 defense minister. And that this was his son and  
13 that he was close to Hunter.

14 Q. Why didn't you ask who -- for Doe 2's  
15 identity from Movie Star? 11:14:56

16 A. Oh, he may well have said it. I mean, it  
17 was just I didn't catch the name. He may well  
18 have said the name and -- more specifically.

19 That's just the part of the conversation  
20 I caught. I mean, sometimes you don't hear every 11:15:05  
21 detail perfectly.

22 Q. And that was in Istanbul; correct?

23 A. That was in Istanbul.

24 Q. And when you went back to meet with him  
25 in July 2023, why didn't you ask him for -- who 11:15:16

1 Doe 2 was?

2 A. Well -- pardon me. I'm not a reporter  
3 sitting and doing an interview. It would not have  
4 been appropriate to come out and say, How do I  
5 spell that fella's name again? How do I -- it 11:15:30  
6 would not have been appropriate.

7 I mean, I had to be somewhat vague.

8 Or...

9 Q. And then you don't know who Doe 2's  
10 father was; correct? 11:15:45

11 A. Just --

12 Q. The specific identity.

13 A. Specific identity. Other than I was also  
14 told by Dave Smith and John Moynihan that they had  
15 run that tape when I brought it back and that 11:16:00  
16 people had worked through the weekend at National  
17 Geo Reconnaissance in Bethesda and NSA and CIA.

18 And they had -- there was even a word  
19 they used, like, "voiceprint." But it wasn't  
20 "voiceprint." It was the name of some system, 11:16:17  
21 like televoiceprint or something, that they -- the  
22 voice on the tape.

23 They identified the voice on the tape and  
24 that it was, in fact, the son of some -- some  
25 poobah in Pakistan. And that they tied -- that he 11:16:33

1 was linked to Hunter Biden.

2 Q. Did you ask Dave Smith who Doe 2 was?

3 A. No. It's more that that's what they  
4 reported back to me, that they confirmed they had  
5 found him. 11:16:51

6 I'm sorry. I know this may seem -- I  
7 come back from trips like this -- I may have 20  
8 pieces of information like this, 20 things. In  
9 this case, there weren't. There were just a few  
10 things. But there might be 20 things. 11:17:04

11 I'm not -- my job is just sort of to take  
12 these things back, give all the detail I can give  
13 them. I hand them to them. And later I  
14 generally -- back when I did this very actively  
15 and did this a lot, usually in the next meeting, 11:17:16  
16 they would go through and tell me, "Confirm,  
17 confirm, confirm. Okay. This thing -- we need a  
18 little bit more detail on this thing." But -- so  
19 they give you kind of some feedback later.

20 But to me -- it's been, like, 10 or 11:17:30  
21 15 years since I've been even at that level. I  
22 hate to sound cocky, but as -- I come back. I  
23 gave them a data dump. I download all this data I  
24 have. And I don't even really need them to come  
25 back. And it's not like they come back and report 11:17:46

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# Exhibit L

**Highly Confidential Filed Under Seal  
Pursuant to the Stipulated Protective Order**

**EXHIBIT**

(Deposition of John F. Moynihan, Feb 14, 2025)

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 CENTRAL DISTRICT OF CALIFORNIA  
4  
5

6 ROBERT HUNTER BIDEN  
7 Plaintiff

8 VS.

CIVIL ACTION NO.  
2:23-cv-09439

9 PATRICK M. BYRNE  
10 Defendant  
11  
12  
13

14 VIDEOTAPED DEPOSITION OF  
15 JOHN F. MOYNIHAN  
16 FEBRUARY 14, 2025  
17 10:00 A.M.  
18  
19

Via Zoom Remotely

20  
21  
22 Lisa L. Crompton, CSR (MA)(RI), RPR  
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24  
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1 THE VIDEOGRAPHER: Good

2 morning. We are now on the record.

3 This is the videographer  
4 speaking, Gayle Ashton, with Veritext Legal  
5 Solutions. Today's date is February 14th, 2025,  
6 and the time is 10:00 Eastern Standard Time.

7 We are here to take the remote  
8 video deposition of John Moynihan in the matter  
9 of Robert Hunter Biden versus Patrick M. Byrne.

10 Would counsel please introduce  
11 themselves for the record.

12 MR. HANSEN: Good morning.  
13 Zachary Hansen on behalf of the plaintiff,  
14 Robert Hunter Biden, along with Brian Sullivan  
15 from my firm Early Sullivan Wright Gizer &  
16 McRae, and we also have our co-counsel,  
17 Abbe Lowell of Winston Strawn who also  
18 represents the plaintiff.

19 MR. MURPHY: Good morning.  
20 Michael Murphy appearing on behalf of defendant  
21 Patrick Byrne.

22 MR. DELLA ROCCA: And good  
23 morning. Brian Della Rocca appearing on behalf  
24 of deponent John F. Moynihan.

25 THE VIDEOGRAPHER: Would the

1 court reporter, Lisa Crompton, please swear in  
2 the witness.

3 JOHN F. MOYNIHAN, the witness,  
4 having been duly cautioned and sworn, testified  
5 upon his oath as follows:

6 EXAMINATION BY MR. HANSEN:

7 Q. Good morning, Mr. Moynihan. I know we kind of  
8 introduced ourselves off the record, but I'll do  
9 it again.

10 As you just heard, my name is  
11 Zachary Hansen. I am one of the attorneys on  
12 behalf of the plaintiff in this case,  
13 Robert Hunter Biden, along with Brian Sullivan  
14 and Abbe Lowell, who are listening in.

15 You were just sworn in. And I  
16 want to ask, have you ever had your deposition  
17 taken before?

18 A. I think a couple times, yes. I have, yes.

19 Q. Do you recall when the last deposition you sat  
20 for was?

21 A. Probably 17, 18 years ago.

22 Q. Okay. Was that a civil case?

23 A. Yes.

24 Q. Okay. I'm going to go over some ground rules.  
25 But really quickly, a little bit more of an

1 introduction.

2 The defendant in this case is  
3 Patrick Byrne. A small background on the case.  
4 My client has sued Mr. Byrne for defamation  
5 stemming from an article that Mr. Byrne authored  
6 with false statements about Mr. Biden.

7 This process is going to be, as  
8 you've sat for a deposition, but it's been a  
9 number of years, it's a question and answer  
10 session between you and I. Everything is being  
11 taken by down the reporter that'll transcribed  
12 in a transcript that'll read somewhat like a  
13 screen play with question, answer, question,  
14 answer. You'll get a chance to review it at the  
15 end afterwards.

16 And I'm going to go over a few  
17 rules. As I was saying, the oath you just took  
18 bears the same force and effect as if you were  
19 testifying in court. You're obligated to tell  
20 the truth under the penalty of perjury today to  
21 the best of your ability. Do you understand  
22 that?

23 A. Yes, sir.

24 Q. You've done a great job of this already, but  
25 I'll continue to ask you to please verbalize all

1 of your responses, because the court reporter  
2 isn't able to record nods of the head or uh-huhs  
3 or uh-uhs. So if you answer, please just  
4 verbalize your response.

5 A. Yes, sir.

6 Q. For that same reason -- Oh, I'm sorry.

7 A. I just said yes, sir. I recognize that,  
8 yeah.

9 Q. Okay. For that same reason, I'll ask that we  
10 try not to interrupt each other while we go  
11 through this today. In normal conversation,  
12 it's typical to anticipate what the other person  
13 is going to say and start answering, I do it all  
14 the time, but let's try to not talk over each  
15 other so that we have a clean record; okay?

16 A. Yes, sir.

17 Q. If you don't understand any of the questions  
18 that I ask today, please ask me to repeat them.  
19 I'm not trying to trick you or anything like  
20 that. However, if I ask a question, and you  
21 provide an answer, I'm going to assume that you  
22 understood the question. Do you understand?

23 A. Yes, sir.

24 Q. I'm entitled to your best testimony today to the  
25 best of your ability. That includes any

1 estimates that you might make. However, I don't  
2 want you to guess. So if the answer's I don't  
3 know, that's a perfectly acceptable answer. But  
4 I may ask, you know, do you have an estimate of  
5 this. Do you understand the difference between  
6 an estimate and a guess?

7 A. Yes.

8 Q. Okay. You'll likely hear counsel today assert  
9 some objections, they're entitled to do so, and  
10 you're still required to answer the questions  
11 after those objections have been asserted,  
12 unless your attorney specifically instructs you  
13 not to answer, at which point that becomes a  
14 determination between you and your attorney. Do  
15 you understand?

16 A. Yes, sir.

17 Q. If you need a break at any time during today's  
18 deposition, I'm happy to do so. I'll also  
19 initiate some breaks at various times. But what  
20 I ask is, for you to please just -- if there's a  
21 question pending, I'm going to insist on an  
22 answer before we take a break; okay?

23 A. Yes, sir.

24 Q. Great. We may take a lunch break at some point.  
25 I'm hoping to power through this. But like I



1 said, we're going to need to take some breaks  
2 every once in a while. So we may take a little  
3 bit of an extended one to get a bite to eat, but  
4 we'll talk about that as the deposition goes on.  
5 I know most of us are on the East Coast, so  
6 noon, 1:00 will approach pretty quickly.

7 As you just heard previously,  
8 you understand that this deposition is being  
9 recorded on video and it's been transcribed by  
10 the court reporter; correct?

11 A. Yes.

12 Q. Is there any reason that you can think of that  
13 you're not able to give your best testimony  
14 today truthfully and honestly as you swore to  
15 do?

16 A. No reason at all.

17 Q. Are there any medical issues or conditions that  
18 may impair your ability to provide truthful  
19 testimony?

20 A. No.

21 Q. Are you under the influence of any medication,  
22 alcohol, or drugs that may impair your  
23 recollection or ability to provide your best  
24 testimony?

25 A. No.

1 Q. Other than your own counsel -- I don't want to  
2 know anything that you discussed with your own  
3 counsel, that's attorney/client privilege.

4 Other than your own counsel, who did you speak  
5 to today about your deposition?

6 A. Nobody.

7 Q. Or who did you speak to about your deposition  
8 today?

9 A. Nobody.

10 Q. Okay. Did you mention your deposition to  
11 anybody, that you were going to be sitting for a  
12 deposition today?

13 A. Yes. My wife.

14 Q. Okay. You didn't discuss the deposition with  
15 Mr. Byrne?

16 A. Oh, no. No.

17 Q. Okay. How about Mr. Byrne's counsel,  
18 Mr. Murphy?

19 A. No.

20 Q. All right. Again, excluding discussions and  
21 preparations that you did with your own counsel,  
22 how did you prepare for today's deposition?

23 A. I simply re-read my affidavit that had been  
24 submitted.

25 Q. All right. Did you review any documents other

1           than your affidavit in advance of today's  
2           deposition?

3           A.   No.   I don't have any documents.

4       Q.   All right.   And the affidavit you mentioned is  
5           the affidavit that you understand was submitted  
6           in this litigation dated in April of 2024;  
7           correct?

8           A.   Correct.

9       Q.   Did you listen to any recordings to prepare for  
10          today's deposition?

11          A.   No.

12       Q.   Where are you located today, sir?

13          A.   I'm at my home in Wells, Maine.

14       Q.   Is there anyone else in the room with you?

15          A.   No.

16       Q.   Is there anyone else listening in to this  
17          deposition?

18          A.   No.

19       Q.   And I'll state for the record that no one on my  
20          side is recording this deposition.   Is there  
21          anyone on your side recording the deposition?

22          A.   No.

23                               MR. HANSEN:   Mr. Murphy, is  
24                               anybody on your side recording the deposition?

25                               MR. MURPHY:   No.   Not other

1 than the videographer that's present and the  
2 court reporter. Is anybody else on your side  
3 recording anything?

4 MR. HANSEN: No.

5 MR. MURPHY: Okay.

6 Q. Mr. Moynihan, did you bring any documents with  
7 you today to produce at the deposition?

8 A. No.

9 Q. I'm going to start by pulling up a document  
10 here.

11 MR. HANSEN: It says I have to  
12 send a request to share. I'm going to share my  
13 screen a couple times. I'm going to send that  
14 request to the court reporter.

15 MR. DELLA ROCCA: Will that  
16 come to me as well or...

17 MR. HANSEN: It will. It'll  
18 pop up on my screen, on your screen.

19 MR. DELLA ROCCA: Yup.

20 THE REPORTER: Should be all  
21 set.

22 MR. HANSEN: Yup. It's  
23 working. Thank you.

24 Q. All right. Do you see the document that's on  
25 the screen, Mr. Moynihan? And I can make it

1 larger.

2 A. Yeah. It's pretty small but...

3 Q. Okay.

4 MR. MURPHY: Sorry to  
5 interrupt. Counsel, are you going to assign an  
6 exhibit number to this?

7 MR. HANSEN: I will, yes.

8 MR. MURPHY: Okay.

9 MR. HANSEN: This will be  
10 Exhibit 1.

11 Q. Can you see the document, Mr. Moynihan?

12 A. Yeah. Oh, my God. This is going to be a  
13 disaster, trying to do it -- I'm going to try to  
14 enlarge it with my fingers here. Okay.

15 Q. I can enlarge it on my screen.

16 A. I don't actually think that's the problem. I  
17 think it's -- Because I'm on my iPhone. And my  
18 computer is not working the way it's --  
19 Yeah. Okay. Yeah. It's the subpoena to  
20 testify. I don't wear glasses, but I can see  
21 it. Yup. Okay.

22 Q. Okay.

23 A. Yup.

24 Q. I just want to make sure that you can see it.  
25 Have you seen this document before?

1 A. Yeah.

2 Q. And I can scroll through it.

3 A. I think Brian sent it to me, yes.

4 Q. I'll represent to you that this is the subpoena  
5 that -- And we'll go through the other pages  
6 here in a little bit. I'll represent to you  
7 this is the subpoena that we served on you for  
8 today's deposition. Okay?

9 A. Yes.

10 Q. Did you review this deposition prior to today's  
11 deposition?

12 A. Yes.

13 Q. Did you review -- There are a series of document  
14 requests. Let me scroll down.

15 A. Yeah. I guess. Yes. Go ahead.

16 Q. Did you review the document requests that are  
17 attached to this subpoena, start on Page 7 of  
18 the PDF?

19 A. Yeah. I mean, I read it, you know.

20 Q. Okay. Did you understand that by way of the  
21 subpoena we sought the production of all  
22 relevant documents listed herein?

23 A. Yes.

24 Q. And did you search for documents that were  
25 responsive to these requests?

1 A. Yes.

2 Q. What did you do to search for those documents?

3 A. Well, I don't have any documents. Part of  
4 that subpoena requested any e-mail or text  
5 messages. I found a single text message that I  
6 think is relevant, I'm estimating is relevant,  
7 and I sent it to counsel who I think forwarded  
8 to you. That's all I had.

9 Q. All right. Let me -- I'm going to pull that  
10 document up. Give me one second here.

11 (PAUSE)

12 Q. All right. Can you see this document that I'm  
13 displaying on the screen now? I can blow it up  
14 again.

15 A. Let's see. Yes. Yeah. That's the one I  
16 sent to Brian. Yup. To counsel, rather.

17 Q. This appears to be a screenshot of a text  
18 thread; is that correct?

19 A. Correct. Yes.

20 Q. Were you the recipient of this text?

21 A. Yes.

22 Q. Did you obtain this screenshot yourself?

23 A. I don't know what that means.

24 Q. As in like you took the screenshot and produced  
25 this yourself to --

1 A. Oh, yeah. Yeah.

2 Q. Okay.

3 A. I took the -- Yes.

4 Q. When was it that you took this screenshot and  
5 produced it?

6 A. Oh, boy. I don't know. A few days ago.

7 Q. An estimate.

8 A. Okay. Yeah. A few days ago. Yeah.

9 Q. And I just want to confirm. It's your  
10 understanding, after reviewing the document  
11 request in the subpoena that I showed you just a  
12 little bit ago as Exhibit 1, this is the only  
13 document you had in your possession that was  
14 responsive to this request; correct?

15 A. Yes. That's all I could find. Yes.

16 Q. Okay.

17 MR. MURPHY: Counsel, just for  
18 the record -- And Counsel, just for the record,  
19 the text message is dated May 13, 2022.

20 MR. HANSEN: Yes. I see that.

21 I'm going to mark this as  
22 Exhibit 2 to the deposition record.

23 And I'll send all these  
24 exhibits to the court reporter and all counsel  
25 after the deposition.



1 Q. I'll represent to you --

2 MR. HANSEN: And correct me if  
3 I'm wrong, Mr. Della Rocca, but my  
4 understanding, based on when you produced this,  
5 was that this document was responsive to  
6 Request for Production Number 18. Is that your  
7 understanding, Mr. Della Rocca?

8 MR. DELLA ROCCA: That is, that  
9 is my understanding, yes.

10 MR. HANSEN: Okay.

11 Q. And Mr. Moynihan, is that also your  
12 understanding?

13 A. Yes.

14 Q. I'm just going to read -- I'm displaying the  
15 Request for Production Number 18 on the screen.  
16 I'm just going to read it for the record. All  
17 Documents constituting any cellular telephone  
18 records Related to your Communications with  
19 Defendant and/or Smith, including all calls and  
20 text messages, and I'll also represent that all  
21 of the words in this request that are  
22 capitalized are defined terms.

23 At the top -- I'm going to go  
24 back to Exhibit 2, which is the document you  
25 produced here. At the top of the document, it

1 says Patl Byrne. Who is that person?

2 A. Patrick.

3 Q. Patrick Byrne, the defendant in this litigation;  
4 correct?

5 A. Yes.

6 Q. Why did you feel that this document was  
7 responsive to the subpoena in general but,  
8 specifically, Request Number 18 that I just read  
9 into the record?

10 A. I actually don't know that it's responsive to  
11 your request. What I'm trying to do is be as  
12 helpful as possible and go through all of my  
13 text messages and anything like that, that would  
14 have possibly related to this, and I don't know  
15 that this does. The only thing I have that had  
16 like Middle East on it was this. So I tried to  
17 be as thorough as I could be. This is literally  
18 the only one I could find.

19 Q. Great. I appreciate your thoroughness and  
20 willing to help. Very much appreciate it.

21 So I'm going to ask some  
22 questions about this specific document. We'll  
23 kind of get to the bottom of whether it's  
24 relevant or not.

25 A. Yup.

1 Q. Do you recall as you sit here today what the  
2 context of these texts were?

3 A. No. I would be guessing if I said yes. It's  
4 so long ago.

5 Q. Okay. And I don't want you to guess.

6 A. I won't. Yup.

7 Q. And just to clarify. There's two sets of text  
8 messages. There's one that appears to be dated  
9 May 13th, 2022, and then, just below it,  
10 May 15th, 2022. Was it your intent to produce  
11 this screenshot because of the texts towards the  
12 top of the page that are with May 13, 2022,  
13 listed above it?

14 A. No. I don't even know what the relevance of  
15 the bottom part is. Not being very proficient.  
16 Yeah. That has nothing do with any of this. I  
17 just was trying to capture the Middle East  
18 component --

19 Q. Sure.

20 A. -- to this that -- I don't know how to crop  
21 pictures, so I just took a picture and  
22 Middle East, whatever, the Middle East, that  
23 what I was trying to capture to be responsive to  
24 you.

25 Q. That's what I figured. I just wanted to have a

1 clear record on that.

2 A. Yup.

3 Q. So just to clarify. Do you remember or recall  
4 who the Middle Eastern contact Mr. Byrne is  
5 referring to in this text is?

6 A. Do I -- Say that again. I don't understand.

7 Q. So this text message says, the first text  
8 message in full on the page says: A Middle  
9 Eastern contact from whom I rarely hear, as in  
10 years, he's leaving the Middle East to go to  
11 Athens to communicate something important to me.  
12 When I get it, I will pass it on.

13 A. Uh-huh.

14 Q. My question is, do you remember or recall who  
15 the Middle Eastern contact is that Mr. Byrne is  
16 referring to?

17 A. I don't know his name. I do not, no.

18 Q. Have you ever at any point in time known that  
19 person's name?

20 A. Never.

21 Q. Okay. Is this the only time Mr. Byrne has  
22 mentioned this quote-unquote Middle Eastern  
23 contact to you?

24 A. Yes. For the purposes of me introducing him  
25 to the FBI agent, that was the only time that it

1 ever was brought up to me.

2 Q. Okay. Has he ever brought it up to you for  
3 other purposes?

4 A. No.

5 Q. Do you happen to know where in the Middle East  
6 this person referenced in this text is from?

7 A. I do not know where they're from. But what I  
8 heard was that he was Iranian, but I don't know  
9 that to be true.

10 Q. Who did you hear that he was Iranian from?

11 A. Patrick.

12 Q. Okay. Do you recall why Mr. Byrne was texting  
13 you about this matter in May of 2022?

14 A. Yes. As it relates to my affidavit, I had  
15 introduced Patrick at one time, because he said  
16 he had all kinds of different things, to this  
17 FBI Agent David Smith, and that in the future,  
18 as you can see in the affidavit, if there are  
19 any matters to be raised, I'd be happy to just  
20 reintroduce Patrick back to Mr. Smith, and  
21 that's what the purpose of the whole exercise  
22 was.

23 Q. Okay. I'll dig into what you just said here in  
24 a little bit.

25 A. Sure.

1 Q. Do you know or recall why Mr. Byrne's, quote,  
2 Middle East contact was leaving the Middle East  
3 to go to Athens?

4 A. No.

5 Q. Is it your understanding that Mr. Byrne was  
6 going to travel to Athens to meet this person  
7 around this time period or shortly thereafter?

8 A. No. No understanding other than that text  
9 message.

10 Q. Okay. So your understanding of this  
11 Middle Eastern contact going to Athens and  
12 apparently Mr. Byrne, it seems like might be  
13 going to meet him, is all based on just this  
14 text message, what's here; correct?

15 A. Yeah. I don't have any context to it. But  
16 you're right. Yes. I don't have any other  
17 information on that.

18 Q. Did you and Mr. Byrne have any telephone  
19 conversations or in-person conversations with  
20 respect to this text message or his -- the  
21 substance of this text message?

22 A. Not that I recall, no.

23 Q. Do you recall or have you ever known what this  
24 Middle Eastern contact was supposed to  
25 communicate to Mr. Byrne?

1 A. No, not at the time. Not until we had the  
2 meeting.

3 Q. And are you referring to -- I'll get into your  
4 meeting later. But are you referring to a  
5 meeting with Mr. Byrne?

6 A. And the agent.

7 Q. "The agent" being David Smith?

8 A. David Smith. Correct.

9 Q. Okay. And like I said, I'll get into those  
10 meetings here a little bit later.

11 A. Sure.

12 Q. Just to touch on that a little bit. At that  
13 meeting, did Mr. Byrne communicate to you what  
14 this Middle Eastern contact was to communicate  
15 to him, this something important that he  
16 references?

17 A. At the meeting with the agent?

18 Q. Yes.

19 A. Yes, he did.

20 Q. And what was that that Mr. Byrne told you at  
21 that meeting with Agent Smith?

22 A. That the subject matter that was on the tape  
23 would involve the recovery on behalf of Iran of  
24 a certain sum of money that was existing in  
25 North Korea.

1 Q. Okay. Like I said, I'll dig into that --

2 A. Sure.

3 Q. -- a little bit further as we go along here.

4 A. Sure.

5 Q. The next text says: Okay now you were all  
6 caught up. Which seems to me to be a -- that  
7 there was a predicate to this conversation. Do  
8 you recall what that was that led up to  
9 Mr. Byrne saying, okay now you were all caught  
10 up?

11 A. I would, I would venture to say, I would  
12 estimate in this, we have a number of things  
13 that we were working on, and I think it would be  
14 related to all of that, because there was no  
15 communication about the subject matter involving  
16 the tape, it is likely referring to the 10 other  
17 things we were working on.

18 Q. Those other things that you were working on,  
19 those 10 other things, as you just mentioned,  
20 did any of them at this point in time in May of  
21 2022 involve Hunter Biden?

22 A. No.

23 Q. All right. I'm going to stop sharing my screen  
24 for a little bit. Like I said, we'll dig into  
25 all of that a little bit later.



1 How do you know Patrick Byrne?

2 A. I was introduced to Patrick, I think sometime  
3 in like the spring of 2021.

4 Q. What were the circumstances of you being  
5 introduced to Patrick Byrne in the spring of  
6 2021?

7 A. A number of folks were asking me -- I get  
8 regularly called globally to work on financial  
9 investigative matters, money laundering matters,  
10 and what have you. So I get regularly requested  
11 and solicited to do this, an absurd amount of  
12 travel miles because of it, and that was part of  
13 the delay in even getting to this. So a request  
14 was made of me to meet with regard to several  
15 folks involving election related materials.  
16 Nothing related to this.

17 Q. You said several folks asked -- initiated this  
18 contact with Mr. Byrne. Who are those people?

19 A. Is that something --

20 MR. DELLA ROCCA: Objection. I  
21 mean, that's not really relevant, who introduced  
22 him before this was even a topic of  
23 conversation. It's not relevant to the topic.

24 MR. HANSEN: I'm just trying to  
25 get a basis of his relationship with Mr. Byrne

1 and how it started. Because Mr. Byrne has  
2 testified extensively about this, and so I'm  
3 just trying to establish a timeline.

4 Are you instructing your client  
5 not to answer?

6 MR. DELLA ROCCA: Mr. Moynihan  
7 has a lot of clients that he works with and  
8 deals with them confidentially a lot of times,  
9 so I am instructing him not to answer that.

10 MR. HANSEN: Okay. How about  
11 if I do it this way?

12 Q. Were you instructed by anybody within the  
13 U.S. government, not asking for names, just  
14 asking generally within the U.S. government, to  
15 start communicating with Mr. Byrne or be  
16 introduced to Mr. Byrne?

17 A. No.

18 Q. Okay. Around the spring of 2021, as you stated,  
19 when you first started communicating with  
20 Mr. Byrne, is that around the same time that you  
21 first learned who Mr. Byrne was?

22 A. Yes.

23 Q. Okay. And you learned of Mr. Byrne within the  
24 context of being introduced to him at that time;  
25 correct?

1 A. Yeah. I did my due diligence on who he was  
2 before I met him, yes.

3 Q. These individuals that you mentioned that  
4 introduced you or initiated the contact with  
5 Mr. Byrne, did they explain to you who Mr. Byrne  
6 was?

7 A. Generally. Generally. Not specific. I do  
8 my own homework.

9 Q. Do you recall what those individuals told you?

10 A. Nothing, other than he was the former CEO  
11 of -- what was the thing -- .com, one of these  
12 things -- Overstock.com. Other than that --  
13 They know me. I just got to do my own homework.

14 Q. Did they explain to you anything about his  
15 involvement with the U.S. government or covert  
16 operations for the U.S. government?

17 A. No.

18 Q. You mentioned just a minute ago that you  
19 performed your own due diligence. What did that  
20 due diligence entail?

21 A. Well, that's when I discovered, you know,  
22 Overstock.com, well-traveled guy, multiple  
23 degrees from multiple universities. So that's  
24 kind of the background that I wanted to see  
25 from, you know, credibility standpoint and who

1 was this guy and what's it all about.

2 Q. Were those just through Internet searches?

3 A. Yeah. Public, public data searches, yeah.

4 Q. Did you speak to anybody about Mr. Byrne as part  
5 of that due diligence?

6 A. No.

7 Q. Okay. Did you use any other method for that  
8 due diligence other than searching the Internet,  
9 as you've described?

10 A. No.

11 Q. Have you ever met Mr. Byrne in person?

12 A. Multiple times.

13 Q. When was the first time you met with Mr. Byrne  
14 in person?

15 A. Spring of 2021.

16 Q. And that was when you were first introduced to  
17 him?

18 A. Correct.

19 Q. Was there a third party present that introduced  
20 you two or was it a prearranged meeting of just  
21 the two of you?

22 A. No. There were multiple parties.

23 Q. Where did this first meeting occur?

24 A. In Washington, D.C.

25 Q. Okay. And I'll get into, again, meetings here

1 in just a little bit. Right now I'm just trying  
2 to establish a timeline.

3 A. And Zach, just hold on one second. Every now  
4 and then I'm going to have multiple text  
5 messages pop up my phone. So going like that,  
6 I'm trying to just get rid of them, just so --  
7 I'm not waving at you guys, I'm waving at the  
8 text messages that are popping up.

9 Q. Okay. Understood. No problem. Thank you.

10 A. Yup.

11 Q. And like I said earlier, if you need to take a  
12 break or anything, just let me know.

13 A. Yup.

14 Q. When was the last time you spoke to Mr. Byrne?

15 A. I would say probably two or three weeks ago.

16 Q. What was the purpose of those communications?

17 A. Nothing to do with this. Other matters.

18 Q. Did those other matters involve matters with the  
19 United States government or covert operations  
20 for the U.S. government?

21 A. No.

22 Q. Who initiated that last conversation between you  
23 and Mr. Byrne?

24 A. Probably me.

25 Q. Why did you initiate those conversations?

1 A. Administration. Administration. Not  
2 substance to a case, but administration, all the  
3 cases.

4 Q. Okay. When you said that your last  
5 communication with Mr. Byrne had nothing to do  
6 with this, do you mean either you or him did not  
7 mention this lawsuit or Mr. Biden?

8 A. Oh, yeah. No. No. It was administration.

9 Q. Okay. And how often do you and Mr. Byrne  
10 communicate, typically?

11 A. Now? Once a month, maybe.

12 Q. When was the last time you communicated with  
13 Mr. Byrne about either this lawsuit or  
14 Hunter Biden?

15 A. I would say probably sometime, I would  
16 estimate 45 to 50 days, sometime before the  
17 subpoena came, which was to anticipate a  
18 subpoena for a deposition. I said fine.

19 Q. Mr. Byrne was notifying you that you can  
20 anticipate receiving a subpoena with respect to  
21 this litigation? Do I understand you correctly?

22 A. Correct. Yes.

23 Q. And that was sometime within the last six months  
24 or so?

25 A. Oh, yeah, definitely within the last six

1 months, for sure.

2 Q. Do you have an estimate of approximately when  
3 within the last six months it was?

4 A. It's a good -- I'm saying 45 days, maybe 45  
5 to 60 days. I mean, I really don't know. That  
6 would be my best estimate.

7 Q. Okay. Sometime in December or so?

8 A. I would say that's probably about right.

9 Q. Did -- What else did Mr. Byrne tell you at that  
10 time with respect to anticipating the subpoena?

11 A. Nothing, other than just to anticipate a  
12 subpoena and likely you'll be deposed. I said  
13 fine, I'll just tell the truth.

14 Q. Did he tell you what he anticipated the  
15 deposition to involve other than like with  
16 respect to this lawsuit?

17 A. Oh, no. No.

18 Q. Okay. Are you and Mr. Byrne involved in any  
19 business together, meaning, for financial gain?

20 A. Patrick has invested a small amount of money  
21 in a company that my son runs called Tradol.  
22 And it's a start-up company. Other than that,  
23 no.

24 Q. I don't want to get too far down a rabbit hole  
25 here. But just briefly, what kind of company is

1 your son's company, Tradol? What do they do?

2 A. What it is, is it's an efficiency software,  
3 that I predominantly financed, for moving  
4 containers, you know, post COVID, the movement  
5 of, you know, shipping containers at ports in an  
6 efficient manner. So the software creates  
7 efficiency so that, when a truck driver drives  
8 up the port and says, hey, where's my container,  
9 and the guy at the port says, well, it's going  
10 to be three weeks, this actually is a queuing  
11 software so that, when containers come off of  
12 the ship, truck drivers don't need to hang  
13 around for three weeks, they get a notification  
14 on an app that says your container's going to be  
15 ready in three weeks from now or two days from  
16 now. It's like a Resy, like the Resy, when you  
17 have reservations, it's like a Resy for  
18 containers at ports globally. Does that make  
19 sense?

20 Q. Yeah, it does.

21 A. Okay.

22 Q. That sounds like very useful technology --  
23 software.

24 A. Yeah. It's kind of fun. Yeah.

25 Q. Going back to your last conversation with



1 Mr. Byrne when he informed you to anticipate the  
2 subpoena. Did he elaborate in any other way?  
3 Did he explain anything about the attorneys in  
4 this case or what your testimony might be  
5 centered on or anything?

6 A. No. Just that it was a matter that  
7 Hunter Biden was suing him. And other than  
8 that, no, no elaboration at all, quite frankly,  
9 no.

10 Q. Was this communication over the telephone?

11 A. I would say yes. I think so, yes.

12 Q. Okay. And approximately how long did that  
13 telephone conversation last?

14 A. Very short. I would say maybe a minute. I  
15 guess. I mean, if that. A minute, minute  
16 15 seconds, minute and a half. I mean, very  
17 short.

18 Q. Okay. Did you have any understanding of where  
19 Mr. Byrne was located when he made that phone  
20 call to you?

21 A. I don't.

22 Q. Okay. Other than what you've testified so far,  
23 have you ever discussed this litigation with  
24 Mr. Byrne in any other matter --

25 A. No.

1 Q. -- manner?

2 A. No. No.

3 Q. Did he notify you when the lawsuit was filed,  
4 for instance?

5 A. No.

6 Q. And I'm going to get into your affidavit. But I  
7 presume that he asked you at some point to  
8 submit an affidavit for this litigation;  
9 correct?

10 A. I think his attorney asked for the affidavit,  
11 not him.

12 Q. Okay. Like I said, I'll dig into that here in  
13 just a little bit.

14 Has Mr. Byrne ever provided you  
15 with any documents related to -- that you  
16 understood to be related to this litigation?

17 A. No.

18 Q. When was the last time you met with Mr. Byrne in  
19 person?

20 A. Great question. It's been a while. It's got  
21 to be over six or seven months ago, easy.

22 Q. Sometime in 2024, though?

23 A. Yeah, 2024. But it's probably a good six  
24 months.

25 Q. Where did that meeting take place?

1 A. Washington, D.C.

2 Q. Where specifically in Washington, D.C.?

3 A. It was at -- I'm trying to remember. What is  
4 the name of the hotel? Unrelated matter to  
5 this. If I -- Just let me jog my brain. I'll  
6 try to remember the hotel. I'm not sure if it's  
7 Oriental. It's not the Waldorf. It's another  
8 hotel.

9 Q. Mandarin Oriental?

10 A. Did you say Mandarin?

11 Q. The Mandarin?

12 A. I think that's what it was. I think that's  
13 what it was. I'd never been in that hotel  
14 before. But I think that's the one. Yes.

15 Q. And if you remember at some point in the  
16 deposition, just let me know.

17 A. It's right next to the highway, you know,  
18 395 in Washington. I think it's that Mandarin.  
19 I think that's what it was.

20 Q. Okay.

21 A. Yup.

22 Q. And you said that that meeting had nothing to do  
23 with this litigation or Hunter Biden; correct?

24 A. Oh, no. Yeah. Nothing to do with this, no.

25 Q. Was the name Hunter Biden mentioned at all in

1           that meeting?

2           A.   No.

3       Q.   Who initiated that last in-person meeting?

4           A.   I did.

5       Q.   And it was, like you said, the purpose was  
6           completely unrelated to Mr. Biden or this  
7           litigation; correct?

8           A.   Correct.   Yes.

9       Q.   Did it involve anything related to Mr. Byrne's  
10          alleged activities with the U.S. government or  
11          covert operations?

12          A.   No.

13       Q.   And real quickly.   Just to jog your memory on  
14          the hotel.   Is it -- The Mandarin Oriental is I  
15          think believe -- I think is called the  
16          Salamander now?

17          A.   I don't know that but...

18       Q.   Okay.

19          A.   Could be.   I don't know.   It's literally  
20          right next to 395.   Like if I had a map, I could  
21          probably figure it out.   But it's literally  
22          right next to the highway.

23       Q.   Okay.   All right.

24          A.   Yeah.

25       Q.   No problem.

1 A. Mandarin, I think it is, yeah.

2 Q. How have you and Mr. Byrne typically  
3 communicated, being over the phone or messaging  
4 apps?

5 A. Good question. I would say typically, you  
6 know, text messages I think would probably be  
7 the most common, most efficient, if I were to  
8 guess.

9 Q. Text, not messaging apps, like WhatsApp or  
10 Signal; correct?

11 A. Well, Signal. I would say predominantly  
12 Signal, yes.

13 Q. Okay. That's what I'm trying to nail down,  
14 whether it's text or Signal. You would say  
15 predominantly Signal --

16 A. Yes. Sorry. Text message over Signal. Like  
17 the one I gave you. That was a text message  
18 over Signal. That's the text I sent you.

19 Q. I see what you're saying. So when you say  
20 "text," you're referring to using the app Signal  
21 with respect to communications with Mr. Byrne.

22 A. Yes. Involving, yeah, texts or phone calls.  
23 Either one.

24 Q. Okay. Give me just one second here.  
25 And you said "or phone calls." So sometimes

1 it's over the phone.

2 A. Signal. Over the phone using Signal.

3 Q. I see. Okay. Other than the text message that  
4 you've produced today that I had displayed and  
5 introduced into this deposition as Exhibit 2, do  
6 you have any other communications with Mr. Byrne  
7 in your possession?

8 A. Meaning what?

9 Q. Meaning those Signal messages or text messages  
10 or e-mails, anything?

11 A. Oh. I would have given those to you if I had  
12 that. I wouldn't have even hesitated. I don't  
13 have anything. I was, I was surprised to  
14 actually even find that. I went diligently  
15 trying to find myself relative to I thought  
16 might be this, but that's all I could find.

17 Q. All right. And like I said, I appreciate your  
18 efforts in that regard. I know that on some of  
19 these messaging apps, specifically Signal, they  
20 have, you can set up the text thread to  
21 automatically delete after a certain period of  
22 time. Is that how your Signal text with  
23 Mr. Byrne is set up?

24 A. It is not set up. It's not set up that way  
25 for anybody, because I don't even know how to

1 set it up. So no. The answer is no.

2 Q. Okay. So the communications that you have with  
3 Mr. Byrne have nothing to do with Mr. Biden or  
4 this litigation, other than the text thread that  
5 you've produced that I've introduced as  
6 Exhibit 2; correct?

7 A. Correct. And once again, not to repeat  
8 myself, I gave that text to you guessing that  
9 that might be, only because of Middle East. I  
10 don't even know if that's the case. But I tried  
11 to do my best.

12 Q. And when you -- Did you come to the conclusion  
13 that, because this text message mentioned the  
14 Middle East, that it was relevant to this case  
15 based on just your review of the subpoena?

16 A. Yes. I wanted to be as responsive as I  
17 could, to the best of my ability. So I found  
18 that and sent it to you. Not even sure if it's  
19 related to this or not. It's so old. But I  
20 just wanted to be responsive, if it did, if it  
21 did relate. I didn't want to hold anything back  
22 like that, you know.

23 Q. I'm going to double back really quickly to your  
24 last meeting with Mr. Byrne in D.C. You said  
25 that it happened at the hotel that you believe

1 is called the Mandarin.

2 A. Yeah.

3 Q. Did that happen in a hotel room or in a  
4 conference room or in a lobby?

5 A. Well, we met in the lobby and then there was  
6 a group meeting in a room.

7 Q. There were more people present than just you and  
8 Mr. Byrne?

9 A. Yes.

10 Q. Okay. And once again, that had nothing to do  
11 with this case or Mr. Byrne's alleged covert  
12 activities with the U.S. government.

13 A. Correct.

14 Q. Okay. Are you familiar with the word "handler"  
15 to describe the work of government agents?

16 A. Yes.

17 Q. What is your understanding of what the word  
18 "handler" means?

19 A. Really, someone who acts as sort of an  
20 oversight or a liaison to the person that's  
21 being handled.

22 Q. What is the basis of your understanding in that  
23 regard?

24 A. Well, I worked at the Department of Justice,  
25 U.S. Drug Enforcement Administration, for years.



1 Q. Are you now or have you ever acted as  
2 Mr. Byrne's handler within the U.S. government  
3 related to Mr. Byrne's supposed covert  
4 activities?

5 A. Not, not as a government employee but,  
6 rather, Agent Smith asked me, if Patrick had any  
7 information to bring forward, would I act as  
8 that quote-unquote handler or really  
9 intermediary liaison type person as it relates  
10 to this.

11 Q. And Mr. Smith asked you to act in that regard.  
12 So did -- Do you understand how Mr. Smith  
13 essentially came to the understanding that  
14 Mr. Byrne potentially had information that he  
15 would like you to retrieve from Mr. Byrne as his  
16 handler or to act as handler?

17 A. Yeah. Just to clarify your question. I  
18 understand your question. I want to be very  
19 specific. Not for me to retrieve any  
20 information. But rather, if Mr. Byrne had  
21 information that he wanted to pass Agent Smith,  
22 Mr. Byrne was to tell me he had something, and  
23 then I would tell Agent Smith, and then put the  
24 meeting together and they would exchange the  
25 information. Not me retrieving it and turning

1 it over. Just want to be clear on that. Does  
2 that make sense?

3 Q. Yes, it does.

4 A. Okay.

5 Q. When approximately did Mr. Mr. Smith ask you to  
6 act as Mr. Byrne's quote-unquote handler?

7 A. That's a -- After the first meeting at the  
8 restaurant -- And to be honest with you, I can't  
9 remember the dates. I do so many cases. I  
10 can't remember the dates. But it was at that  
11 first meeting in, you know, it might have been  
12 the Town of Westin, one of these towns west of  
13 Washington D.C., at that time.

14 Q. Is that the meeting that you described in your  
15 affidavit?

16 A. Yes, sir.

17 Q. All right. Like I said, we'll dig into your  
18 affidavit later.

19 A. Yeah.

20 Q. Do you know why Agent Smith didn't want to  
21 obtain this information directly from Mr. Byrne,  
22 why he asked you to act as the conduit?

23 A. That's a great question. I don't know why.  
24 And having been in the Department of Justice, I  
25 didn't question him, because you don't

1 appreciate that. You respect, if someone asks  
2 the protocol to be set up that way, you just  
3 respect it. So the answer is, no, I don't know  
4 why.

5 Q. Did you have any sort of suspicion as to why?

6 A. No.

7 Q. Okay. Are you currently acting as Mr. Byrne's  
8 handler?

9 A. No.

10 Q. When did that -- your relationship with  
11 Mr. Byrne in that regard end?

12 A. Good question. There was a major fallout at  
13 the FBI with regard to a supervisory special  
14 agent, and in or about that time that  
15 supervisory special agent basically blew up the  
16 group that David Smith was working in and that  
17 ended. So that supervisory agent's name was  
18 Timothy Thibault.

19 Q. Thibault, like the athlete?

20 A. Good -- I think the spelling is pretty close.  
21 I think it's, I think it is pretty close.  
22 T-h-i-b-a-u-l-t, I think is his last name,  
23 spelled that way.

24 Q. T-h-i...

25 A. ...b-a-u-l-t. I think that's how you spell

1 it.

2 Q. Thibault. Okay. I gotcha.

3 A. Yeah.

4 Q. Same first name, too. That would be like the  
5 coincidence.

6 A. Yeah. It's kind of weird, you know.

7 Q. Okay. And you said it blew up this group that  
8 Agent Smith was working in. Did you understand  
9 that group to be a group within the FBI?

10 A. Oh, yes.

11 Q. Did that group involve, to your understanding,  
12 anybody from any other government agency or  
13 organization?

14 A. I don't know that the group within the FBI,  
15 but that group certainly worked with other  
16 agencies as part of admission.

17 Q. Do you know if that group had any official name?

18 A. My best recollection would have been like a  
19 human asset group, human asset. You know, to  
20 explain that. Typically, so many law  
21 enforcement agencies have gone towards  
22 technology, technology, and have failed to be  
23 productive in developing humans as resources,  
24 you know, with specific knowledge to this and to  
25 that. And I think that that group's main

1 mission was specifically to be better at dealing  
2 with human assets as opposed to technological,  
3 you know, AI and all of that stuff. That's what  
4 I understood that to be.

5 Q. And when you say "asset," are you referring to,  
6 in the context of a human, an intelligent asset,  
7 intelligence asset?

8 A. I don't know what you mean by that.

9 Q. Like somebody that the government may rely on to  
10 provide information regarding, you know, in the  
11 sense that, in the intelligence agency within  
12 the U.S. government, in that -- I'm using  
13 "intelligence" in that context.

14 A. Yeah. I think you've got it. I think you've  
15 got it. You know, when you talk about that,  
16 you're talking about people with specific  
17 knowledge. It might be a finance knowledge, it  
18 might be a geography knowledge, it might be an  
19 engineering knowledge. If that's what you mean,  
20 then that would be correct.

21 Q. And these human assets, are they, to your  
22 understanding, people who are typically employed  
23 by the U.S. government or can they be private  
24 citizens?

25 A. Yeah. Usually not employed by the

1 government.

2 Q. Okay. So usually private citizens.

3 A. I would say yes, predominantly, you know.

4 Unless it's, unless it's a person who's employed  
5 by a foreign government.

6 Q. Sure. Okay. You said that -- Let me -- I asked  
7 you if there was any official name to the group  
8 that Mr. Smith was operating. Is there any  
9 unofficial name that you've heard or that you  
10 refer to that group or you've heard Mr. Byrne  
11 refer to that group as?

12 A. Well, sort of nomenclature. Everybody would  
13 call groups like that, in general, Team America.  
14 Like, in other words, join Team America, because  
15 those groups are trying to do things that are  
16 productive for America, so they just call it  
17 Team America type thing.

18 Q. That's how you would refer to the group?

19 A. Yeah. And 10,000 other groups that are  
20 trying to do the same thing. Team America.  
21 It's just kind of like being, you're a member of  
22 a baseball team, it's called Team America, you  
23 know.

24 Q. Have you ever heard Mr. Byrne refer to that  
25 group as Team America?

1           A. I would say he's probably said it, yes. I  
2           mean, I've said it, so he's probably said it and  
3           the agents have said it. Everybody just sort of  
4           laughs about it, like join Team America, you  
5           know. In other words, you're doing things that  
6           are going to be productive for America.

7           Q. Just a few minutes ago you said that, when I  
8           asked you why did your relationship with  
9           Mr. Byrne in the context of being Mr. Byrne's  
10          handler, why did that end, you said that it  
11          ended because of this, this group was disbanded.  
12          Why -- What was your understanding that, that  
13          group being disbanded, how did that -- why did  
14          that impact your relationship with Mr. Byrne as  
15          his handler?

16          A. Well, because those agents in that group were  
17          dispersed. In other words, your baseball team  
18          doesn't exist anymore, it's out of business.  
19          Like that group ended. Like so all of a sudden  
20          the agents in that group, I guess they relocated  
21          to other parts of the country and they're gone.  
22          So there's no purpose of it then.

23          Q. Do you have any understanding what the impetus  
24          was for that group disbanding --

25          A. No.

1 Q. -- other than the Supervisory Agent Thibault  
2 making that decision?

3           A.    I'm not sure Thibault made that decision.

4	Q.	Okay.
---	----	-------

5           A. Thibault was let out the door. So I don't  
6           know. I don't work at the FBI. I didn't. But  
7           once he had what I understand to be problems,  
8           then everybody sort of in that capacity in those  
9           groups was shifted to other places. That's what  
10          I understand.

11 Q. It's your understanding that this  
12 Supervisory Agent Thibault, you said let out the  
13 door. He left the FBI?

14           A. Yeah. I understand, if you do public  
15           research, that he was fired and let out -- he  
16           was walked out the door.

17 Q. Do you have any understanding as to why?

18           A. Other than public information, corruption, is  
19           what you read in the paper.

20 Q. Okay. Did -- While that group that you've  
21 referenced, Team America, was operating and you  
22 were acting as Mr. Byrne's handler, did you have  
23 any understanding that the purpose of that group  
24 or maybe one of the purposes of that group was  
25 related to Mr. Biden, Mr. Hunter Biden in any



1 sort of way?

2 A. No.

3 Q. You didn't have the understanding or it was not  
4 related to Mr. Hunter Biden?

5 A. Oh, no. Unrelated. Completely unrelated.

6 Q. Okay. Did it have anything to do with what you  
7 understand Mr. Byrne's covert activities are?

8 A. No. I -- No. On all fronts, no. The group  
9 existed long before Mr. Byrne was introduced  
10 into that, to David Smith.

11 Q. And when Mr. Byrne was introduced into that  
12 group, was the purpose of him being introduced  
13 into that group have anything to do with  
14 Hunter Biden?

15 A. Well, yeah. The information, that he had a  
16 tape that he wanted to turn over, and I said  
17 I'll arrange for a meeting for you to turn it  
18 over.

19 Q. Okay. And at that time you understood that  
20 information he wanted to turn over related to  
21 Hunter Biden.

22 A. Correct.

23 Q. Okay. And again, we'll get into all of that  
24 here in a little bit.

25 When you were acting as

1 Mr. Byrne's handler, as we've discussed, is  
2 there a -- was there a standard operating  
3 procedure for how or where, by what means you  
4 would conduct meetings with Mr. Byrne?

5 A. There were no meetings. If Mr. Byrne had  
6 information, he would tell me, I'd call  
7 Agent Smith and say he has some information, do  
8 you want to meet him or not. That simple.

9 Q. Okay. The reason why I ask that question is  
10 because you've mentioned that you had a meeting  
11 with Mr. Byrne at a restaurant in D.C. --

12 A. Correct.

13 Q. -- and your affidavit mentions at least one  
14 other meeting. So that's what I'm referencing.  
15 Was there a standard operating procedure with  
16 respect to when you did meet with Mr. Byrne?

17 A. No. It's just, if he had something to turn  
18 over, I called Dave Smith, and Dave said let's  
19 meet. That simple.

20 Q. Okay. Was there any specific location that was  
21 designated for these meetings? Like, as I said,  
22 you mentioned a restaurant. There's another  
23 meeting in your affidavit that's mentioned in a  
24 parking lot at an airport. So I'm just trying  
25 to get to like why were these locations

1           selected. Out of convenience? Or was it  
2           just -- Was there a purpose behind them?

3           A. Yeah. I think Dave Smith, maybe he lived out  
4           that way, west of D.C. He selected that  
5           restaurant location. But at the D.C. meeting at  
6           the cell phone parking lot of Reagan Airport, at  
7           the time I was leaving. I have tons of other  
8           business I do in Washington, D.C. This was just  
9           almost incidental to that. And so when Dave set  
10          the time for the meeting, I said, okay, I'm  
11          going back to Boston, so if you want to meet, if  
12          you want to meet, I got to get on a plane and  
13          get out of there. So that's the only reason the  
14          meeting was held there.

15        Q. All right. Were you in D.C. at that time  
16          specifically for the meeting or just happened to  
17          be that you're in the area?

18          A. No. I have 25 meetings every time. Not 25.  
19          I have a bunch of meetings. Whenever I go to  
20          D.C., I try to -- all the cases I do. And I  
21          literally said to Dave, if you want to meet him,  
22          I'm going to be here this day, and Dave said,  
23          okay, then let's just set the meet up and we'll  
24          go from there. So this was just an incidental  
25          meeting to all the other stuff I was working on.

1 Q. And the purpose of that meeting was for  
2 Mr. Byrne to pass along information to you  
3 and/or Mr. Smith; correct?

4 A. No. The purpose of the meeting was to pass  
5 along the information to Mr. Smith, not me.

6 Q. Okay. Just doing a Google search of this  
7 Supervisory Agent Thibault. From what I am able  
8 to tell, it says that he resigned over the  
9 handling of the Hunter Biden case. Is that your  
10 understanding?

11 A. That is not my understanding. My  
12 understanding was, it was more sort of his  
13 procedures inside and working were not DOJ  
14 protocols, and I don't know if it's the  
15 Hunter Biden case or other cases.

16 Q. What's the basis for your understanding in that  
17 regard?

18 A. I have other cases that have nothing to do  
19 with Hunter Biden, I have other cases that have  
20 nothing to do with Pat Byrne, and I have -- and  
21 within the context of at least one of those  
22 cases, that's my understanding.

23 Q. Did Agent Smith, Special Agent Smith communicate  
24 that to you?

25 A. No.

1 Q. Okay. Was there a -- When you were acting as  
2 Mr. Byrne's quote-unquote handler, was there, as  
3 you understood it, a standard operating  
4 procedure for how Mr. Byrne would turn over  
5 material to either you or Special Agent Smith?

6 A. I want to be very clear. You keep saying the  
7 same thing, and I want to correct you. He never  
8 handed anything over to me.

9 Q. Okay.

10 A. There was no standard operating procedure.  
11 You told me at the beginning of this deposition  
12 you weren't going to try to trick me. You  
13 continue to do that. I would appreciate you  
14 stop doing that. I've answered that question a  
15 number of times. Any materials turned over were  
16 directly between Mr. Byrne and Agent Smith. Do  
17 you understand me?

18 Q. I do. And I --

19 A. Thank you.

20 Q. -- apologize. I'm just trying to be thorough.  
21 So I'm not trying to implicate you or anything  
22 like that. I will, I'll correct my question.

23 A. Thank you.

24 Q. So did you have an understanding of any standard  
25 operating procedure by which Mr. Byrne would

1 turn over materials to Mr. Smith or anybody else  
2 in Team America, as you've described it?

3 A. No. There was no established protocol or  
4 operating procedure. No, sir.

5 Q. How about a standard operating procedure with  
6 respect to how Mr. Byrne obtained material or  
7 made recordings that he would eventually turn  
8 over to Mr. Smith or Team America?

9 A. Yeah. Nope. No standard operating  
10 procedure. No discussions of that whatsoever,  
11 no.

12 Q. I'm going to ask some questions about this group  
13 that you've mentioned, Team America.

14 A. Yup.

15 Q. Did you have any understanding or consider  
16 yourself to be a member of that group,  
17 Team America? It sounded like you did, but I  
18 just want to clarify.

19 A. It's a great question. Because of all the  
20 involvement, having nothing to do with  
21 Patrick Byrne, and years of involvement in  
22 providing consultation and expertise to members  
23 of that group, I would say yes. I was no longer  
24 a member of the government. But the matters  
25 that I work on, financial crimes, that they

1 would ask me about or other types of things  
2 involving immigration or things like that, that  
3 group and I were regularly involved, engaged in  
4 so many matters. So I hope that puts a little  
5 color on your question. But yeah. I was just  
6 really close with the guys and really a liaison  
7 and it was a very bilateral sort of symbiotic  
8 relationship to do the right things in cases.

9 Q. I'm going to get into your background when we  
10 talk about the affidavit, because you describe  
11 your background a little bit in there.

12 A. Correct.

13 Q. With respect to your involvement with this  
14 group, this Team America, was your involvement  
15 in the context as a private citizen?

16 A. Oh, yes.

17 Q. Okay. Approximately how many people did you  
18 understand were a part of this Team America?

19 A. A moving number. At any meeting there might  
20 have been four or five or six different people.

21 Q. Kind of case specific or context specific --

22 A. I would say yes. Yes. I would say yes.  
23 Yes.

24 Q. Did you ever have any meetings with this  
25 Team America group that concerned or involved

1 Hunter Biden in any way other than -- I'll just  
2 leave it at that.

3 A. Yeah. No. No, sir.

4 Q. Okay. And forgive me. I just -- I want to just  
5 get a complete understanding. Because there's  
6 been testimony in this case about some things,  
7 and so I just want to get a clear understanding  
8 of what was going on with that group.

9 You had said that -- and  
10 correct me if I'm wrong -- it was essentially a  
11 group organized within the FBI but then there  
12 might be some coordination with other government  
13 agencies; correct?

14 A. Yes, sir.

15 Q. Did you have an understanding that any of those  
16 agencies or members of that group were CIA or  
17 NSA or any other specifics?

18 A. I can't be specific about that. But I have,  
19 you know, the clearances and all that. But yes.  
20 It's other agencies. The answer, to be as  
21 helpful as I can be, yes, other agencies.

22 Q. How long were you involved with or a member of  
23 this Team America?

24 A. Probably, in total, I would say probably at  
25 least -- probably close to three years.



1 Q. Can you give an estimate of that, what three  
2 years you're referring to?

3 A. I would say if you -- Let me -- This would be  
4 a guess. I'm just trying -- '21, '22.

5 Q. I don't want you to guess. If you have an  
6 estimate --

7 A. Yeah. I'll estimate. I'll estimate for you,  
8 Zach. I would say, starting -- estimate around  
9 end of 2019, 2020, something like that.

10 Q. That's when your involvement began?

11 A. Yes.

12 Q. Okay. So then, taking those dates, you said  
13 approximately three years, that would take us to  
14 approximately 2022, 2023?

15 A. Yeah. Right up until the time -- You just  
16 Google'd Thibault.

17 Q. Yes.

18 A. So pretty much right up until the time he got  
19 into trouble.

20 Q. Okay. Have you ever heard Mr. Byrne use the  
21 term "League of Shadows"?

22 A. I have, yes.

23 Q. In what context do you understand Mr. Byrne was  
24 using that term?

25 A. More of another -- I would call it

1 Team America. He might call it League of  
2 Shadows. You know, just, you know, some  
3 pen name he would put on groups like that, yeah.

4 Q. It was your understanding that, when he used the  
5 term "League of Shadows," he was referring to  
6 the same group you're referring to as  
7 Team America.

8 A. Well, I think he would refer to that group,  
9 yes. But that could also refer to other groups  
10 as well. I don't know how many times he's used  
11 the term. But at least, when speaking to me,  
12 the group that I was working with, he would use  
13 that term. I don't know if he meant that for  
14 other groups he's worked with or hasn't worked  
15 with. I have no idea.

16 Q. Okay. Have you ever referred to the group as  
17 League of Shadows? Is that a term that members  
18 of the group would use --

19 A. No.

20 Q. -- or just Mr. Byrne?

21 A. I wouldn't use that term. I would use  
22 Team America but... That's not my terminology,  
23 no.

24 Q. Have you heard anybody other than Mr. Byrne use  
25 that terminology?

1 A. No.

2 MR. HANSEN: Okay. We've been  
3 going for about an hour. Do you want to take  
4 a -- We can take a quick break. Unless you want  
5 to keep going, Mr. Moynihan.

6 THE WITNESS: Yeah. Take a  
7 quick break. I'll just hit the head. I'd  
8 rather keep going because I've got a lot of work  
9 I've got to get done. But I want to answer all  
10 your questions thoroughly and accurately. So  
11 take a five-minute break or something. But I  
12 want to just sort of keep moving so I don't hold  
13 up other things, if that --

14 MR. HANSEN: Absolutely.

15 THE WITNESS: Okay. Good.

16 THE VIDEOGRAPHER: Do you want  
17 to go off?

18 MR. HANSEN: Yeah. Let's go  
19 off the record, please.

20 THE VIDEOGRAPHER: The time is  
21 11:04. We're going off the record.

22 (Recess taken at 11:04 a.m.

23 Deposition resumed at  
24 11:14 a.m.)

25 THE VIDEOGRAPHER: We are back

1 on the record. The time is 11:14.

2 Q. Mr. Moynihan, do you understand that the oath  
3 you took earlier this morning is still in full  
4 force and effect?

5 A. Yes, sir.

6 Q. And are you still able to provide your best  
7 testimony today?

8 A. Yes, sir.

9 Q. Thank you.

10 We've talked a little bit about this FBI Agent  
11 David Smith. I want to dig into him a little  
12 bit. When did you first meet or have contact  
13 with Special Agent Smith?

14 A. At the beginning of that three-year time  
15 period.

16 Q. So around the 2019, 2020 time period that you  
17 referenced before?

18 A. Yes.

19 Q. What were the circumstances or reasons for that  
20 initial contact with David Smith?

21 A. I'm regularly solicited by federal agents for  
22 my years of experience in financial crimes. And  
23 so I hear from agents in agencies regularly  
24 about can you help us with this type of case or  
25 that type of case.

1 Q. Did Agent Smith initiate that communication with  
2 you, the initial contact?

3 A. Another agent.

4 Q. Did the initial contact with Special Agent Smith  
5 have anything to do with Hunter Biden or this  
6 litigation, the substance of this litigation?

7 A. No.

8 Q. Did it have anything to do with Mr. Byrne?

9 A. No.

10 Q. Mr. Byrne came into the picture after you had  
11 had a relationship with Mr. Smith.

12 A. Correct.

13 Q. Had you -- Other than what you've previously  
14 testified about this meeting at the D.C.  
15 restaurant and the meeting in the airport  
16 parking lot, have you met with Agent Smith in  
17 person other than those two incidences?

18 A. Yes. To be clear, there was no meeting in a  
19 D.C. restaurant. It was west of D.C.

20 Q. West of D.C.

21 A. I think it might have been like the  
22 Town of Westin. And, then, to answer your  
23 question, I've had many meetings with agents.  
24 Many.

25 Q. Let me narrow this down a little bit, then.

1 Other than those two meetings that we just  
2 talked about, have you had any in-person  
3 meetings with Agent Smith concerning  
4 Hunter Biden or the allegations as you  
5 understand them in this lawsuit?

6 A. No.

7 Q. Have you had any meetings that Mr. Byrne was  
8 present, any meetings with Special Agent Smith,  
9 other than those two that we just talked about,  
10 the meeting at the restaurant west of D.C. and  
11 the meeting at Ronald Reagan Airport?

12 A. No. Not that I can recall, no.

13 Q. When was the last time you spoke to  
14 Special Agent Smith?

15 A. I'm trying to think when Tim Thibault -- When  
16 Tim Thibault had the group disbanded, it was in  
17 and about that time.

18 Q. When the group was disbanded was the last time  
19 you had conversation with Special Agent Smith,  
20 is what you're saying?

21 A. Correct.

22 Q. Okay. When was the last time you spoke to  
23 Special Agent Smith about Hunter Biden or the  
24 allegations as you understand them in this  
25 lawsuit?

1 A. At the meeting at Ronald Reagan Airport, the  
2 cell phone parking lot at Ronald Reagan Airport.

3 Q. There haven't been any other not in-person  
4 meetings, meaning, over the phone or via Signal  
5 app with Special Agent Smith concerning  
6 Hunter Biden?

7 A. No.

8 Q. Okay. Did you ever communicate to Mr. Byrne  
9 that you understood Special Agent Smith to have,  
10 quote, gone off the grid, meaning, that you're  
11 unable to contact him?

12 A. Following the disbanding of the group -- I  
13 don't know if I said that to Pat Byrne or not.  
14 But to be quite frank, yes, that all of a sudden  
15 we don't know what happened to him or his group.

16 Q. Was that notwithstanding your attempts to  
17 contact Mr. Smith, you weren't able to get ahold  
18 of him?

19 A. Correct.

20 Q. Were you attempting to contact Mr. Smith  
21 regarding anything related to Hunter Biden or  
22 the allegations in this lawsuit as you  
23 understand them?

24 A. No.

25 Q. Okay. Did you ever tell Mr. Byrne that you

1 and/or others had tried to reach  
2 Special Agent Smith's wife and kids or locate  
3 them?

4 A. Say that again.

5 Q. Did you ever communicate to Mr. Byrne that you  
6 had -- you or somebody else that you know of had  
7 attempted to contact Special Agent Smith's wife  
8 and kids in an effort to locate him?

9 A. I don't recall that. I don't know. I don't  
10 recall that.

11 Q. Okay. So just to clarify. You just -- You  
12 don't recall that that happened or you don't  
13 believe that that happened.

14 A. I just don't recall it.

15 Q. Okay.

16 A. So long ago, you know.

17 Q. Sure. At some point in time, subsequent point  
18 in time, did you -- were you later informed that  
19 Special Agent Smith had, quote, -- and I'm just  
20 using this as terminology -- came back onto the  
21 grid or you knew his whereabouts?

22 A. I knew that he did come back on the grid or  
23 his FBI location. I learned that later on, yes.

24 Q. How did you learn that information?

25 A. Just from other people in the field, not



1 Mr. Byrne.

2 Q. When you say "other people in the field," do you  
3 mean members of this Team America?

4 A. Yes.

5 Q. Did you ever personally try to contact  
6 Special Agent Smith's wife and kids?

7 A. No. I don't recall trying to contact his  
8 wife and kids. I don't recall that, no.

9 Q. Did anybody else tell you that they had done so  
10 or attempted to do so?

11 A. I don't recall, no. If I could recall -- I  
12 just can't recall that.

13 Q. And like I said before, if you don't know -- If  
14 the answer's I don't know, as long as it's the  
15 truth, that's all I want.

16 A. Yeah. I just don't recall it. I don't know.

17 Q. Okay. You said that -- When you did learn that  
18 this Agent Smith had come back on the grid, as  
19 I've been saying, where did you understand that  
20 Agent Smith was at that time? I think you said  
21 his field office assignment or something along  
22 those lines?

23 A. Yeah. He came -- what I understand is he  
24 came back quote-unquote onto the grid into a  
25 different functioning group.

1 Q. Where specifically was he located, do you  
2 recall?

3 A. Well, in the D.C. area.

4 Q. Okay. Did you have an understanding that it was  
5 the Washington, D.C., FBI field office that he  
6 was stationed at?

7 A. I didn't have an understanding of that.  
8 There's multiple locations.

9 Q. Okay. Do you know whether Special Agent Smith  
10 and Mr. Byrne have had communications between  
11 themselves since this -- since that  
12 Ronald Reagan meeting, Ronald Reagan Airport  
13 meeting?

14 A. I do not know.

15 Q. Do you know Special Agent Smith's badge number?

16 A. I do not, I do not know it.

17 Q. Do you know his phone number?

18 A. I knew his phone number. But the FBI  
19 regularly changes their phone numbers.

20 Q. Okay. So you don't presently know his phone  
21 number.

22 A. I do not.

23 Q. How about his e-mail address within the FBI?

24 A. I never contacted him, that I can remember,  
25 so I don't know.

1 Q. What was the last phone number that you had that  
2 was associated with the -- that you understood  
3 to be associated with Mr. Smith?

4 A. Oh, boy. Well, I'm going to have to like  
5 take my phone here and -- I hope I don't lose  
6 you guys. Do you want me to do that?

7 Q. Let's do it on maybe a break or something. We  
8 can double back on that; okay?

9 A. Yeah. And once again, I'll look at it. But  
10 as you know, on the Signal, when you communicate  
11 on Signal, a lot of times you don't even know  
12 the phone number. Right?

13 Q. Yup. Understood. Is that how you would  
14 communicate --

15 A. Yeah. Signal. So I can try but -- I don't  
16 want you to think I'm holding out on you. If I  
17 try -- But I don't know if I can get it out of  
18 Signal. It may not populate, you know.

19 Q. Okay. After the deposition, we'll seek that  
20 from your attorney, whether or not you have the  
21 number.

22 A. (Witness nods head).

23 Q. Typically, my experience, if you have someone in  
24 Signal, the contact information is in the phone  
25 somewhere or something. But I'll let you look

1 at that. I want to dig in on these Signal  
2 communications.

3 So just to be clear, your  
4 primary means of communication with Mr. Smith  
5 was through Signal?

6 A. Yes.

7 Q. Did you ever text with him outside of Signal?

8 A. I don't recall.

9 Q. Did you ever have direct phone calls with him?

10 A. Via Signal, yes.

11 Q. Okay. E-mails with Mr. Smith?

12 A. No.

13 Q. All right. Going back to your role as  
14 Mr. Byrne's quote-unquote handler. Do you have  
15 any knowledge of a two- to three-day course that  
16 the FBI put together about the intelligence  
17 career of Mr. Byrne?

18 A. No.

19 Q. Did you ever go through any sort of course that  
20 the FBI put together regarding Mr. Byrne?

21 A. No.

22 Q. Other than Special Agent Smith, have you  
23 introduced Mr. Byrne to any other FBI agent in  
24 the context of Mr. Byrne's claims regarding  
25 Hunter Biden?

1 A. No.

2 Q. In and around January 2021, as an estimate, did  
3 you tell Mr. Byrne that this task force or  
4 Team America was looking out for him and to  
5 continue operating with respect to his  
6 investigations?

7 A. No.

8 Q. How about to keep charging with respect to  
9 investigations into the 2020 election?

10 A. Repeat the question.

11 Q. Did you ever, -- Similar question. -- did you  
12 ever tell him that this Team America or this  
13 task force essentially had his back and to  
14 continue investigations into the 2020  
15 presidential election?

16 MR. MURPHY: Well, I'm going to  
17 object to the question, I'm going to object to  
18 the question. It's irrelevant. It's not  
19 designed to lead to the discovery of admissible  
20 evidence.

21 Go ahead, Counsel.

22 MR. DELLA ROCCA: I'm going to  
23 double that objection as irrelevant.

24 MR. HANSEN: Okay. I'll just  
25 represent that these are, these are claims that

1 Mr. Byrne has made under sworn testimony. So I  
2 am following up on claims that Mr. Byrne made.  
3 That's the relevance.

4 MR. MURPHY: Well, whether  
5 Mr. Byrne answered a question at a deposition  
6 doesn't make it relevant. And because this,  
7 this tape may be used for trial, I'm going to be  
8 stating trial objections. And any work that was  
9 done in connection with the election or what  
10 Mr. Byrne's political views are or that he's a  
11 Trumpster, doesn't like President Biden, are all  
12 irrelevant, they're character evidence, and  
13 they're inadmissible under Federal Rule of  
14 Evidence 404(b). So I'm making my objection.  
15 And at the appropriate time, if we use the  
16 deposition transcript, I'm going to highlight  
17 this passage and testimony and bring it to the  
18 judge's attention and ask him to rule the jury  
19 can't see it.

20 MR. DELLA ROCCA: And Zach, if  
21 you can explain the relevance to Hunter, then  
22 maybe I'll withdraw my objection. But I object  
23 to this line of questioning. What does the  
24 election have to do with Hunter?

25 MR. HANSEN: These are claims

1           that Mr. Byrne was not asked about. He  
2           volunteered this information at his deposition,  
3           with respect to stuff that Mr. Moynihan  
4           specifically told him. So I'm just following up  
5           on those things. So I disagree. I think that  
6           it is very relevant. But we'll move on. That's  
7           why I asked the question.

8                           MR. MURPHY: My objection  
9           rights are for the record. My objection is  
10          noted for the record and --

11                          MR. HANSEN: It's noted. We're  
12          going to move on.

13                          Thank you, Mr. Murphy. We're  
14          going to move on.

15       Q.   In and around the spring of 2021, Mr. Moynihan,  
16           did you tell Mr. Byrne that this Team America  
17           task force was looking out for him and to keep  
18           charging forward with unearthing information he  
19           was seeking about Iran?

20       A.   I don't recall that, no.

21       Q.   In and around spring of 2021, did you provide  
22           directions to Mr. Byrne to obtain certain  
23           material being provided by hacking groups for  
24           any reason?

25       A.   On behalf of who?

1 Q. Quote-unquote hacking groups.

2 A. No. I don't know what that is.

3 Q. Have you ever acted as a conduit for  
4 communications between the United States Drug  
5 Enforcement Administration and Mr. Byrne?

6 A. No.

7 Q. Did you ever communicate to Mr. Byrne that any  
8 DEA agent said anything about anyone in  
9 Venezuela trying to kill or kidnap Mr. Byrne?

10 MR. MURPHY: Okay. I'm going  
11 to --

12 MR. DELLA ROCCA: Objection.

13 MR. MURPHY: Wait a minute.

14 I'm going to object to all of  
15 these questions about Venezuela on the grounds  
16 it's irrelevant to the subject matter of this  
17 action, it's not designed to lead to the  
18 discovery of admissible evidence, has nothing to  
19 with Patrick Byrne, and has to do with the  
20 dispute about where he's supposed to have his  
21 deposition taken. And at the appropriate time,  
22 I'm going to ask the judge to not allow the jury  
23 to see any of this testimony.

24 MR. DELLA ROCCA: And I object.  
25 I'm not sure what this has to do with this --



1           what the relevance of these questions are having  
2           to do with Hunter Biden and his defamation case  
3           against Mr. Byrne or Mr. Moynihan's involvement  
4           in connecting Mr. Byrne with Mr. Smith.

5                       MR. HANSEN:   And your  
6           objections are noted.

7                       And Mr. Della Rocca, I  
8           understand and I appreciate that you haven't  
9           been present in some of these other depositions.

10                      So I'm asking relevant  
11           questions. I understand that both of you might  
12           not think so. But your objection is noted for  
13           the record. It'll be something for the judge to  
14           deal with.

15                      But right now, I'm going to  
16           insist on an answer to the question.

17                      MR. DELLA ROCCA:   Okay. Then  
18           I'm going to keep my objection there.

19                      John --

20                      Go ahead and ask the question  
21           one more time, please.

22                      MR. HANSEN:   And with your  
23           objections noted, I don't want to waste any more  
24           time, so I'm going to ask the same question.  
25           Your objections are noted.

1 Q. Mr. Moynihan, did you at any point in time ever  
2 communicate to Mr. Byrne that any DEA agent said  
3 something to anyone -- or said something about  
4 anyone in Venezuela trying to kill or kidnap  
5 Mr. Byrne?

6 A. No. I don't recall any of that.

7 Q. Did you ever communicate to Mr. Byrne that any  
8 person or entity was trying to kill or kidnap  
9 him?

10 MR. MURPHY: Okay. Same  
11 objection. Question seeks information which is  
12 irrelevant to the subject matter of this  
13 lawsuit. It's not designed to lead to the  
14 discovery of admissible evidence. This has to  
15 do with a dispute about where Mr. Byrne's  
16 deposition was supposed to be taken. Doesn't  
17 relate to the defamation claim, doesn't prove  
18 anything or have anything to do with the malice  
19 issue of the case. And it's just, once again,  
20 character evidence, it's trying to be as  
21 improperly under Federal Rule of Evidence  
22 404(b).

23 MR. DELLA ROCCA: And I object  
24 as well. And because, also, it sounds like it  
25 was already asked and answered.

1 MR. HANSEN: My second question  
2 was more broad, not involving Venezuela.  
3 Anybody anywhere.

4 But your objections are noted.

5 And Mr. Murphy, I understand --  
6 I'm trying to move this along, so you can just  
7 say same objections and I'll note that it's the  
8 same objections you asserted before.

9 Q. Mr. Moynihan, I'm going to insist on an answer,  
10 unless your attorney tells you not to.

11 MR. DELLA ROCCA: Go ahead and  
12 answer.

13 A. I don't recall, no.

14 Q. Okay. Did you meet with -- Or let me -- You  
15 don't recall or didn't happen?

16 A. I don't recall. I have no idea.

17 Q. Okay.

18 A. Yeah.

19 Q. Okay. And like I said, I'm not trying to trick  
20 you. I'm just trying to get a clear record.

21 A. I'm just trying to be as direct and as honest  
22 with you as possible. I mean, some of these  
23 questions, I don't even -- I don't know. I  
24 don't understand any of this, you know.

25 Q. I understand. I appreciate where it can seem

1           like it's coming out of left field, having no  
2           context. So I will move on. And I appreciate  
3           you're doing everything that you're -- that I  
4           need you to do, and that's just to tell the  
5           truth to the best of your recollection. So I  
6           appreciate that.

7           A. Sure.

8       Q. Did you meet with Mr. Byrne in and around  
9       January or February 2022 in a Washington, D.C.,  
10      hotel lobby?

11      A. Possibly.

12      Q. Do you have any specific recollection of that  
13      occurring?

14      A. No.

15      Q. Okay. Do you have any specific recollection --  
16      Let me just get a little bit more specific.  
17      Same question with respect to a possible meeting  
18      at a Washington, D.C., hotel lobby around  
19      January or February of 2022 in which David Smith  
20      was present?

21                   MR. MURPHY: I'm going to  
22      object to the question as calling for  
23      speculation on the part of the witness. You  
24      asked him for the time period --

25                   MR. HANSEN: I asked if he

1 recalled.

2 MR. MURPHY: You're  
3 interrupting, you're interrupting my objection.  
4 Let me state my objection. You can do your  
5 question.

6 I have an objection in that as  
7 to the time parameter as to when the meeting  
8 occurred. He wasn't able to answer your  
9 question. And now you're doing a follow-up and  
10 asking him to speculate. He doesn't know. And  
11 on that basis, we object to the question. And  
12 the answer, we'll move to strike it.

13 Q. Okay. I'm not asking for any speculation,  
14 Mr. Moynihan. I'm asking whether or not you  
15 have a memory. I'm only adding the detail of  
16 Mr. Smith being present to try to refresh your  
17 recollection. That's the only purpose.

18 MR. MURPHY: Same objection.

19 A. I just don't recall. Counsel is right. I  
20 just don't recall. I'd be happy to answer yes  
21 if I could, but I don't recall it.

22 Q. Okay. That's all I, that's all I want.  
23 Did you ever inform Mr. Byrne that FBI Director  
24 Christopher Wray had sent out a letter to all  
25 35,000 or so FBI agents about Mr. Byrne and to

1 no longer have any contact with him?

2 A. I don't recall that.

3 Q. Do you have any recollection of the existence of  
4 such a letter?

5 A. No.

6 Q. Do you contend here today that Mr. Smith -- I  
7 keep saying mister and I keep going back between  
8 special agent. -- Special Agent Smith is or was  
9 your handler within the U.S. government at any  
10 point in time?

11 A. I would say yes. He was my main contact with  
12 regard to this group, yes.

13 Q. So when I use the term "handler," you understand  
14 that as -- basically, you're interpreting that  
15 as, he was your contact within this --

16 A. Yeah. As I mentioned before, that liaison  
17 contact, yes.

18 Q. Okay. Did any third party establish that -- or  
19 tell you that Special Agent Smith was going to  
20 be your handler?

21 A. No.

22 Q. Have you ever traveled with Mr. Byrne to Europe  
23 or met with Mr. Byrne in Europe for any reason?

24 A. Yes.

25 Q. When?

1 A. Irrelevant. Has nothing to do with this.

2 Q. Okay. Let me say this: How many times have you  
3 met with Mr. Byrne in Europe or traveled to  
4 Europe to meet with Mr. Byrne?

5 A. Once. I can only recall once.

6 Q. And just to clarify your testimony. You say  
7 that that occurrence is completely irrelevant,  
8 had nothing do with Hunter Biden or the  
9 allegations as you understand them in this  
10 lawsuit.

11 A. Correct, sir. Yes.

12 Q. Did it have to do with whistleblowers regarding  
13 a complaint against Special Agent Jack Smith?

14 MR. DELLA ROCCA: Objection.  
15 What does that have to do with the Hunter Biden  
16 matter?

17 MR. HANSEN: That was, again,  
18 the testimony --

19 MR. MURPHY: Also -- Let me  
20 state my objection, and then you can respond,  
21 Counsel.

22 I'm also going to object on the  
23 grounds that it's irrelevant, it's not designed  
24 to lead to the discovery of admissible evidence.  
25 It involves a collateral matter. It could lead

1 to confuse the jury about what they're supposed  
2 to be deciding in the case. It's designed to  
3 mislead the jury. And on that basis, I'm going  
4 to object to it on the Federal Rules of  
5 Evidence.

6 MR. DELLA ROCCA: And I object  
7 based on relevance and because Mr. Moynihan  
8 works with a lot of people on a lot of different  
9 matters. He's already told you he works with  
10 Mr. Byrne on other matters. So it is  
11 irrelevant. I'm going to object. And I'm going  
12 to tell him not to answer.

13 Q. First and foremost, Mr. Moynihan, are you going  
14 to take your attorney's advice and not answer  
15 the question?

16 A. Yes.

17 MR. HANSEN: Okay. Just to  
18 clarify, Mr. Murphy, there's no jury present.  
19 This is a discovery matter. And discovery is a  
20 fishing expedition to obtain anything that is  
21 potentially relevant and can potentially lead to  
22 the discovery of admissible evidence. That's --

23 MR. MURPHY: Okay. I'm going  
24 to, I'm going to respond.

25 MR. HANSEN: Don't, don't



1 interrupt me. I am talking the same way I let  
2 you talk, so let me finish.

3 MR. MURPHY: Okay.

4 MR. HANSEN: It is designed to  
5 lead to the discovery of admissible evidence.  
6 Once again, these are statements and voluntary  
7 comments that your client made under oath.  
8 That's all I'm doing to follow up. I'm not  
9 trying to confuse Mr. Moynihan or delve into  
10 irrelevant matters. His attorney has instructed  
11 him not to answer. I will accept that and I  
12 will move on.

13 MR. MURPHY: No. I want to, I  
14 want to respond to your statement.

15 This tape is going to be used  
16 as evidence during trial, so the Federal Rules  
17 of Evidence apply. The judge ruled that the  
18 Federal Rules of Evidence apply. And one of the  
19 Federal Rules of Evidence say, when somebody  
20 tries to introduce evidence to confuse the jury,  
21 and its relevance is minimal, that the court can  
22 instruct you not to present that evidence to the  
23 jury.

24 So that's one of the objections  
25 that we are going to be making when we submit

1 the deposition transcript. We're going to ask  
2 the Court to not read it, any of these questions  
3 to the jury.

4 So the judge said both rules  
5 apply. And this is potential trial testimony.  
6 I'm not instructing him not to answer. All I'm  
7 doing is stating my objections for later.

8 MR. HANSEN: As is your right,  
9 and your objection is noted.

10 We'll move on.

11 Q. Mr. Moynihan, we've touched on this a little  
12 bit. But did you sign an affidavit that you  
13 understood was going to be submitted in this  
14 lawsuit?

15 A. Yes.

16 Q. Who drafted that affidavit?

17 A. I did.

18 Q. Do you recall approximately when you drafted  
19 that affidavit?

20 A. Goodness. I'd have to go into my computer.  
21 I don't know. A couple months ago probably.

22 Q. Okay. I'm just asking for if you remember. If  
23 you don't, that's fine.

24 And I believe you testified  
25 earlier that it was Mr. Byrne's attorney who

1           asked you to submit that affidavit; is that  
2           correct?

3           A.   Yes.

4       Q.   And is that person Mr. Murphy, who's present  
5           during this deposition?

6           A.   No.

7       Q.   Who was it that asked you to submit that  
8           affidavit?

9           A.   Attorney Stefanie Lambert.

10      Q.   Okay.  Attorney Stefanie Lambert asked you to  
11           submit an affidavit in this lawsuit.

12           A.   Yes.

13      Q.   Did you understand that that affidavit was going  
14           to be submitted in any other lawsuit?

15           A.   No.

16      Q.   What did Ms. Lambert tell you about this  
17           affidavit and what it needed to include, if  
18           anything?

19           A.   Nothing.  She said to me, can you submit an  
20           affidavit with regard to Mr. Byrne meeting  
21           Mr. Smith.  I said absolutely.

22      Q.   That was the extent of the conversation?

23           A.   That's it.

24      Q.   Did Mr. Byrne tell you or communicate to you in  
25           any way why he wanted you to submit an affidavit

1 or why his attorney did?

2 MR. MURPHY: I'm going to  
3 object to the question as assuming facts not in  
4 evidence, had Mr. Byrne ever told him that.

5 MR. HANSEN: I said, did he.

6 MR. MURPHY: There's no, -- let  
7 me finish -- there's no foundation for that  
8 question.

9 MR. HANSEN: Okay. That's why  
10 I said, did he ever tell you that.

11 Q. Mr. Moynihan?

12 A. He had called me and said I think there's  
13 going to be a need for you to submit an  
14 affidavit. I said fine, have the lawyer call  
15 me.

16 Q. Did he tell you anything else about what needed  
17 to be in the affidavit or what the purpose was?

18 A. No.

19 Q. As you sit here today -- And I'm going to show  
20 you the affidavit here in just a moment. But as  
21 you sit here today and as you can recall, is  
22 everything that you put into that affidavit the  
23 truth to the best of your understanding?

24 A. Yes, sir.

25 MR. HANSEN: All right. I'm

1 going to mark the document that was produced by  
2 Mr. Byrne in this litigation as Bates Number  
3 Byrne\_00001 through Byrne\_00000 -- Five zeroes.  
4 I don't know if I've done more or not. -- 3.  
5 And this will be Exhibit 3 to this deposition.

6 Q. Give me just a moment. I'm going to put it on  
7 the screen for you.

8 (PAUSE)

9 Q. All right. Mr. Moynihan, can you see the  
10 document I'm displaying on my screen?

11 A. Well, if it's the same one I have. But let  
12 me see. I have it up on my screen.

13 Q. I prefer if you'd look at my version, please,  
14 because this is what has been submitted in this  
15 litigation.

16 A. Yeah. I've got to blow this thing up because  
17 it looks like it -- Oh, my God.

18 MR. MURPHY: Mr. Moynihan, can  
19 you now read it? Is it blown up or big enough  
20 for you?

21 THE WITNESS: I'm trying to  
22 blow it up. If I blow it up, I can't keep the  
23 whole thing on my phone. I have to --

24 MR. MURPHY: Mr. Moynihan,  
25 Mr. Moynihan, counsel will control the blowing

1 up because he -- That's the way the system works  
2 in the computer.

3 I'm not suggesting anything  
4 otherwise, Mr. Hansen.

5 So if you need Mr. Hansen to  
6 blow it up, ask him to blow it up and he'll do  
7 it for you.

8 Q. At your assistance --

9 A. Go ahead. Yup. Go ahead.

10 Q. So I'm going to ask you questions about it. All  
11 I'm asking right now, tell me if you need to me  
12 to blow it up or anything.

13 A. Go ahead. I think I can read it pretty good  
14 now. I'm fine. Yup.

15 Q. So my question right now is, do you recognize  
16 this document?

17 A. Okay.

18 Q. I'll scroll through real quickly. Three pages.

19 MR. MURPHY: Yeah. I'm going  
20 to object to him being questioned about a  
21 document he hasn't looked at. And I think he  
22 should be, --

23 MR. HANSEN: I'm showing it to  
24 him literally right now.

25 MR. MURPHY: Wait a minute. --

1 I think he should be allowed to read it before  
2 you question him, to make sure that he's  
3 satisfied this is his affidavit.

4 MR. HANSEN: Mr. Murphy, I  
5 appreciate your commentary. But this is my  
6 deposition. If you have objections to assert,  
7 assert your objections.

8 I'm just asking him if he read  
9 the document. We'll get into the substance here  
10 in just a moment.

11 MR. MURPHY: You asked him if  
12 he read -- Counsel, the problem I have is,  
13 you're asking him if he's read a document, and  
14 he hasn't even --

15 MR. HANSEN: I didn't ask if he  
16 read the document. I asked if he recognizes the  
17 document. That's not what I asked.

18 MR. MURPHY: Well, he hasn't  
19 even looked at it.

20 MR. HANSEN: Please keep your  
21 commentary to a minimum so that we can move this  
22 along.

23 MR. MURPHY: Counsel, you've  
24 got to let him look at every single page. If  
25 you're going to ask him the question, have you

1 read the document, he has to be able to see it.

2 MR. HANSEN: Mr. Murphy, please  
3 limit your commentary to relevant objections.

4 MR. MURPHY: No. I'm going to  
5 state my objections for the record.

6 I'm going to object to the  
7 question on the grounds it calls for  
8 speculation, because the witness has not been  
9 shown the document and allowed to look at it,  
10 each page, to make sure that is his affidavit.

11 MR. HANSEN: Are you done?

12 MR. MURPHY: And I'll move to  
13 strike his testimony he has to render on this  
14 document until he's looked at it.

15 MR. HANSEN: Are you finished?

16 Q. I'll repeat my question. Do you recognize this  
17 document, Mr. Moynihan?

18 A. Yes. So why don't you just scroll all three  
19 pages, just let me get to the bottom, see my  
20 signature.

21 Q. Yup. And I'm going to ask you very specific  
22 questions about your signature and everything.  
23 Here's the signature page. And there's nothing  
24 below it. This is the third page.

25 A. Okay. I recognize the document.



1 THE WITNESS: Oh, God.

2 A. Yeah, I recognize it.

3 Q. Based on what you've viewed on the screen thus  
4 far, is it your understanding that this is the  
5 affidavit you drafted for the purpose of being  
6 submitted in this litigation?

7 A. Yeah. Just scroll it down or make sure  
8 there's no edits to it. Just stop right there a  
9 a second.

10 Q. I'm going to go through it in detail as well.  
11 So you can let me know if anything's changed as  
12 well.

13 A. Just scroll to the next page. Scroll to the  
14 next page.

15 Q. Okay.

16 A. Let me just read it quick. I'm a pretty good  
17 reader.

18 (PAUSE)

19 A. Go to the bottom, please.

20 (PAUSE)

21 A. There you go. Hold on. Hold on.

22 Q. Oh, sorry.

23 A. Go ahead. Go ahead. Got it. Good. Yup.

24 Q. In your review just now, did you see anything  
25 that you believe was altered or -- as you said?

1 A. I don't see anything altered, no.

2 Q. Okay. And just to repeat my question. Is it  
3 your understanding, based on what you've seen,  
4 that this is the affidavit that you drafted for  
5 the purpose of being submitted in this  
6 litigation?

7 A. Yes.

8 Q. Okay. I'm going to scroll down to the last page  
9 where your signature is.

10 A. Uh-huh.

11 Q. Do you see this area where it looks like there's  
12 signatures --

13 A. Yes.

14 Q. -- on this document?

15 A. Yes.

16 Q. Is that your signature above the line that says  
17 John Moynihan?

18 A. Yes.

19 Q. And next to your signature, the date, April 2nd,  
20 2024.

21 A. Yes.

22 Q. Is that correct?

23 A. Correct.

24 Q. Is that, to the best of your recollection, the  
25 date that you signed this document?

1 A. Yes.

2 Q. And it appears that you signed this document in  
3 the presence of a notary; is that correct?

4 A. Yes.

5 Q. I notice that this document, this affidavit is  
6 not signed under the penalty of perjury, as is  
7 standard practice when submitting affidavits in  
8 litigation. Is there any specific reason why  
9 your affidavit was not signed under the penalty  
10 of perjury?

11 A. No.

12 Q. Okay. Was there any specific reason why you had  
13 the document notarized?

14 A. Just as a formality.

15 Q. I'm going to scroll back up here. And like I  
16 said, we'll go through this.

17 Did anyone assist you in  
18 drafting this affidavit in any way?

19 A. No.

20 Q. Did you review any documents or audio recordings  
21 to prepare this affidavit?

22 A. No.

23 Q. All right. I'm going to direct your attention  
24 to the first paragraph that starts with: My  
25 name is John Moynihan. Do you see that?

1 A. Yes.

2 Q. And once again, let me know if I need to blow it  
3 up; okay?

4 A. Go ahead.

5 Q. All right. I'm going to read this portion to  
6 you. It says: My name is John Moynihan, and I  
7 am a private sector consultant. Early in my  
8 career, I was the head intelligence analyst of  
9 money laundering investigations for the  
10 U.S. Drug Enforcement Administration's New York  
11 field division. I began this part of my career  
12 in 1992. Is that an accurate statement?

13 A. Yes.

14 Q. Before 1992, were you employed in any capacity  
15 with the U.S. government?

16 A. No.

17 Q. How long were you the head intelligence analyst  
18 and money laundering for the DEA's New York  
19 office?

20 A. Probably like three and a half years.

21 Q. Until around 1995, 1996-ish?

22 A. Yeah. End of '95, into '96, yes.

23 Q. Thereafter, did you transition to another  
24 position within the DEA or the U.S. government?

25 A. I was a private sector person, but they

1 maintained my clearances to be a consultant back  
2 to the money laundering group.

3 Q. Okay. So if I understand you correctly, after  
4 your stint as the head intelligence analyst of  
5 money laundering in the New York office, you  
6 went -- your involvement with U.S. government  
7 thereafter was in your capacity in the private  
8 sector; correct?

9 A. Yes.

10 Q. Okay. I'm going to move on to the next portion  
11 of that paragraph that says: -- let me see it --  
12 I have continued... And I can highlight this if  
13 it's better. I have continued to assist, --  
14 That's where I'm starting. -- I have continued  
15 to assist the U.S. Department of Justice,  
16 Homeland Security, and the DEA with financial  
17 analytical support on worldwide money laundering  
18 investigations, and I have counseled governments  
19 and financial institutions around the world in  
20 developing and implementing anti-money  
21 laundering initiatives over the last 32 years.  
22 Is that an accurate statement?

23 A. Yes.

24 Q. Were these activities as -- that are described  
25 in the portion I just read in your capacity as a

1 private sector consultant, --

2 A. Yes.

3 Q. -- as you state --

4 A. Yes.

5 Q. Were these paid assignments?

6 A. Yes.

7 Q. Who was paying you for these assignments?

8 A. I can't get into that.

9 Q. Okay.

10 MR. DELLA ROCCA: I'm going to  
11 object.

12 Q. U.S. government?

13 A. Yes.

14 Q. Okay. Were you working with Patrick Byrne in  
15 doing any of these assignments at that time?

16 A. No.

17 Q. Are you currently employed by the law firm  
18 Clark Hill as a special advisor?

19 A. I'm not employed by them. I'm a contractor  
20 to Clark Hill.

21 Q. Okay. What are your primary responsibilities as  
22 a contractor for Clark Hill?

23 A. Litigation support.

24 Q. And would that be involved in your  
25 investigations in the private sector regarding

1 money laundering, as you've described herein?

2 A. Yes.

3 Q. Okay. In your role as a contractor special  
4 advisor for Clark Hill, you testified before the  
5 House Oversight Committee in 2018, did you not?

6 A. Yes.

7 Q. And that was regarding your investigation of the  
8 Clinton Foundation, a 501(c)(3) non-profit;  
9 correct?

10 A. Yes.

11 MR. DELLA ROCCA: And I'm going  
12 to -- I'm objecting. And I'm wondering what the  
13 relevance has to do with --

14 MR. HANSEN: I'm establishing  
15 background. That's really all that I was going  
16 to go into that.

17 MR. DELLA ROCCA: Okay.

18 MR. HANSEN: I'm just trying to  
19 get some of Mr. Moynihan's professional  
20 background here.

21 Q. Have you ever -- Have you had any other type of  
22 employment or involvement other than what you've  
23 described with the U.S. government since 1992  
24 outside of what is described here?

25 A. No. Just personal consultation.

1 Q. You are the principal of a company called  
2 JFN & Associate, LLC; is that correct?

3 A. Yes.

4 Q. What is the nature of the work that that company  
5 does?

6 A. Litigation support. Globally, it's money  
7 laundering, assistance with transnational global  
8 crime of, you know, hoarding it, stopping it.  
9 That's the main thing.

10 Q. Is that essentially just your LLC with respect  
11 to your private sector work?

12 A. Yes.

13 Q. Okay. I'm going to jump down to the fourth  
14 paragraph here. I'm going to scroll down. It  
15 starts with: On or about the spring of 2021.  
16 Do you see that?

17 A. Yes.

18 Q. And I'm going to read a portion to you.  
19 On or about the spring of 2021, I met  
20 Patrick Byrne. That's what you described  
21 previously, correct, your initial meeting with  
22 Patrick Byrne?

23 A. Correct.

24 Q. And I believe you said that was the first time  
25 you met Patrick Byrne or had any contact with



1 him; correct?

2 A. Yes.

3 Q. And again, I just want to clarify. I know we  
4 went over this, so I'll breeze through this.

5 But that initial meeting, the impetus for it was  
6 because Mr. Byrne had information regarding  
7 Hunter Biden; is that correct?

8 A. No.

9 Q. Okay. I apologize for using that wrong.  
10 Can you please explain to me what the initial  
11 impetus was? Was it completely unrelated to  
12 Hunter Biden?

13 A. Yes.

14 Q. And the allegations that you understand them in  
15 this lawsuit?

16 A. Completely unrelated.

17 Q. Okay. Moving on with this paragraph. You said  
18 that Patrick Byrne discussed matters he had been  
19 involved in in the past. Subsequently Mr. Byrne  
20 stated several matters to which I advised  
21 Mr. Byrne that I would graciously introduce him  
22 to an agent of the Federal Bureau of  
23 Investigation if needed. Mr. Byrne agreed that  
24 he would like to be introduced to the FBI agent.  
25 Is that an accurate statement?

A. Yes.

Q. Did these matters that you described, subsequently Mr. Byrne stated several matters to me, did those matters involve Hunter Biden or the allegations as you understand them in this complaint -- in this --

MR. MURPHY: Objection. Asked  
and answered.

A. Nope.

Q. In that meeting, did he mention anything about Hunter Biden?

MR. MURPHY: Objection. Asked  
and answered.

A. No.

Q. So when you called Mr. Byrne, as described herein, that you had introduced him to an FBI agent, again, that had nothing to do with Hunter Biden at that time; correct?

MR. MURPHY: Objection. Asked  
and answered.

A. No.

Q. Okay. Just trying to get a clear record.

MR. MURPHY: I'm just trying to  
get a clear objection.

MR. HANSEN: Thank you.

1 Q. Is the FBI agent that you referenced herein  
2 Special Agent Smith?

3           A. It should say agents. But yeah. It would  
4           be, it would be Dave Smith, yes.

5 Q. Moving on to the next paragraph. It says: In  
6 turn, I requested. I'm going to read this  
7 portioner. In turn, I requested of that FBI  
8 agent if he had any interest in meeting  
9 Patrick Byrne. And then moving on, it says:  
10 The agent requested of me the matters Mr. Byrne  
11 would discuss. I did not know the matters to  
12 which Mr. Byrne would present. Is that an  
13 accurate statement?

14	A. Yes.
----	---------

15 Q. Okay. Then it says: The agent, sometime later,  
16 stated to me that he would meet Mr. Byrne.

17           A. Just where are you now? Let's see.

18 Q. Over to the second --

19                   A.    Okay.   All right.

20	Q. Right here.
----	----------------

21 A. I did not know the matters... Yes.

22 Q. And this is all in that initial meeting or the  
23 subsequent -- regarding the subsequent meeting  
24 you had with Mr. Byrne that had nothing to do  
25 with Hunter Biden; correct?

1	A.	Correct.	Correct.	Yes.
---	----	----------	----------	------

2 MR. HANSEN: Okay. Give me  
3 just a moment here.

4 ( PAUSE )

5 Q. Moving on to the next paragraph. It states: A  
6 meeting was set up at a restaurant west of  
7 Washington, D.C., district. Do you see this  
8 portion?

9	A. Yes.
---	---------

10 Q. And it says: The agent, myself, and Mr. Byrne  
11 attended this meeting. Is that an accurate  
12 statement?

13	A. Yes.
----	---------

14 (INTERRUPTION)

15 MR. HANSEN: What was that?

16 THE WITNESS: I don't know.

17 Q. Going back to this meeting. When approximately  
18 did this meeting at the restaurant occur?

19           A.    I don't know.  I can't remember the date.

20 Q. And you've described it being west of D.C., in a  
21 town -- I can't remember what you said. But do  
22 you remember what the restaurant was?

23 A. I can't remember the name, no.

24 Q. Okay. Was anyone else present at this meeting  
25 other than you, Mr. Byrne, and Special

1	Agent Smith?
---	--------------

2           A. I don't believe so, no.

3 Q. Are you aware of any prior communications  
4 between Mr. Byrne and Agent Smith prior to that  
5 meeting?

6	A. I am not.
---	--------------

7 O. Was Hunter Biden discussed at this meeting?

8	A. No.
---	--------

9 Q. Was anything related to the allegations in this  
10 lawsuit as you understand them discussed at this  
11 meeting at this restaurant west of D.C.?

12           A. I'm not aware of it. As my affidavit states,  
13           multiple times I left the meeting because I had  
14           other phone calls and business of my own to take  
15           care of.

16 Q. So you read my mind. That's what I was going to  
17 ask next. It says -- Later on in this paragraph  
18 it says: Any discussions they had during my  
19 absence were not germane to me. Do you see  
20 that?

21 A. Yes, sir.

22 Q. Okay. How do you know that those discussions  
23 were not germane to you? Did they explain to  
24 you what they discussed when you returned?

25 A. No. If they had been germane to me, they

1 would have raised them to me.

2 Q. Okay. Moving on to the next paragraph. Starts  
3 with: Some time later.

4           A. Sometime later, yes.

5 Q. Sometime later, Patrick Byrne revealed to me he  
6 had in his possession a taped telephone  
7 conversation involving sensitive material  
8 involving high level Politically Exposed  
9 Persons. Is that an accurate statement?

10	A. Yes.
----	---------

11 Q. It says: Sometime later. So when  
12 approximately -- How long after that meeting did  
13 Mr. Byrne reveal that information to you?

14           A. I can't remember exactly.

15 Q. Do you recall how he communicated that  
16 information to you or this statement?

17           A. I can't recall whether it was in person or on  
18           the phone. I can't remember.

19 Q. Did Mr. Byrne explain at that time what the  
20 sensitive material on the tape was beyond what  
21 is described here?

22	A. No.
----	--------

23 Q. You said it was a taped telephone conversation.  
24 Is that correct? Is that your understanding?

25 A. That's what he told me, yes.

1 Q. Did he say anything about it being a recording  
2 of an in-person conversation or anything like  
3 that?

4	A. He did not.
---	----------------

5 MR. DELLA ROCCA: Okay. Zach,  
6 if we could take five minutes.

7 MR. HANSEN: Yup.

8 MR. DELLA ROCCA: It's noon.  
9 If we could just take a quick five minutes. I'm  
10 going to log in on my phone and then we can  
11 proceed.

12 MR. HANSEN: Perfect. However  
13 much time you need.

14 MR. DELLA ROCCA: All right.

15 I'll let you know as soon as I'm ready to go.

16 MR. HANSEN: All right. Let's  
17 go off the record.

18 THE VIDEOGRAPHER: The time is  
19 11:59. We're going off the record.

20 (Recess taken at 11:59 a.m.

21 Deposition resumed at  
22 12:04 p.m.)

23 THE VIDEOGRAPHER: We are back  
24 on the record. The time is 12:04.

25 Q. All right. Mr. Moynihan, do you understand that

1 the oath you took this morning carries the same  
2 force and effect?

3 A. Yes.

4 Q. And are you still able to provide your best  
5 testimony today?

6 A. Yes.

7 Q. Okay. When we left off -- Do you still see this  
8 document that's displayed on the screen, your  
9 affidavit?

10 A. I actually don't see it now. I don't know  
11 where it is. I got a big black corner in my  
12 thing here. There it is. Just came up.

13 Q. Got it?

14 A. Yeah. Let me... There it is. Got it.  
15 Okay. Got it.

16 Q. Okay. When we left off, we were talking about  
17 this paragraph that starts with: Sometime  
18 later, and it describes Mr. Byrne had sensitive  
19 material involving high level Politically  
20 Exposed Persons. That's where I'm going to pick  
21 up; okay?

22 A. Yes.

23 Q. At this time, did Mr. Byrne elaborate on who he  
24 was referring to as politically exposed persons?

25 A. No.



1 Q. Did he mention Hunter Biden?

2 A. I don't recall.

3 Q. The next paragraph that starts with: I  
4 contacted. Let me see if I can -- Right here.  
5 It says: -- Do you see this paragraph?

6 A. I do, yes.

7 Q. -- I contacted the FBI agent to establish a  
8 meeting for Mr. Patrick Byrne to provide the  
9 taped telephone evidence directly to the Federal  
10 agent. The evidence was to be in the form of a  
11 taped phone call recorded on Mr. Byrne's own  
12 telephone. Is that an accurate statement?

13 A. Yes.

14 Q. Is this FBI agent that you're referring to here  
15 Special Agent Smith?

16 A. Yes.

17 Q. Did Mr. Byrne tell you before the meeting that  
18 the evidence was going to be in the form of a  
19 taped phone call?

20 A. Yes.

21 Q. Okay. And this is that same recording that we  
22 discussed before; right?

23 A. Yeah. That's the only recording I know, yes.

24 Q. Okay. You go on to state -- Let me see here.  
25 Let me find my place. Right here. The phone

1 call was, is where I'm looking at. The phone  
2 call was to be a conversation between the son of  
3 the current Minister of Defense from Pakistan  
4 and a cabinet member of the Iran government.  
5 What is the basis -- What was the basis for  
6 making this statement?

7 THE WITNESS: Just hold on a  
8 minute. My phone is blowing up here. This is a  
9 disaster. I just had to respond to that phone  
0 call to me.

1           A.  Sorry, Zach.  Could you just ask me the  
2           question again.  I got all these calls coming  
3           in.

4 Q. Of course. Of course. And if you need a  
5 minute, just let me know.

6 A. No. I don't. I had a couple text messages.  
7 I'm good.

8 Q. So my question was, this statement, the phone  
9 call was to be a conversation between the son of  
10 the current Minister of Defense from Pakistan  
11 and a cabinet member from the Iran government.  
12 And my question is, what's the basis for you  
13 making this statement?

4 A. So that's what I recall sitting in the car.  
5 Remember, I'm writing an affidavit

1       retrospectively.  What I remember in the car,  
2       that's what this was supposed to be between,  
3       what I heard Patrick say to David.

4 Q. Okay. So Mr. Byrne didn't tell you prior to you  
5 listening to the recording.

6           A. No, I don't believe so, no. I just remember  
7           it from the car meeting. That's what I  
8           remember.

9 Q. Okay. I'm going to move on to: The call was to  
10 reveal. This next portion --

11	A. Yeah.
----	----------

12 Q. -- of the statement. The call was to reveal the  
13 request by the Iranian person of the Pakistani  
14 man to work on the release of Iranian government  
15 funds seized in a bank account in North Korea.  
16 Is this also a retroactive account having  
17 listened to the conversation --

18           A.    Yes, yes, yes.

19 Q. Mr. Byrne didn't tell you before the meeting any  
20 of this substance, about an Iranian person or a  
21 Pakistani man?

22 A. Yeah. I don't recall that, Zach. No. I  
23 don't recall that.

24 Q. Okay. The last sentence says: The call was to  
25 involve Hunter Biden's assistance in getting the

1 funds released. Once again, is this your  
2 retroactive account?

3	A. Yes.
---	---------

4 Q. The next paragraph says that Patrick Byrne,  
5 myself, and the FBI agent met. The purpose of  
6 the meeting, as stated before, was to turn over  
7 this agent the taped phone call between the  
8 above identified persons. The meeting took  
9 place in the agent's automobile in the cell  
10 phone parking lot of Ronald Reagan National  
11 Airport. Is that an accurate statement?

12	A. Yes.
----	---------

13 Q. Do you recall approximately when that meeting  
14 took place?

15 A. I don't remember the date, no.

16 Q. And I believe you testified earlier that the  
17 location, being the parking lot at Ronald Reagan  
18 National Airport, was because you were flying  
19 somewhere; correct?

20 A. Yeah. The cell phone parking lot.

21 Q. Cell phone parking lot.

22 A. It's right before you enter the, you know,  
23 the airport grounds, on the right.

24 Q. Yup. So you're the one that picked that  
25 location out of convenience.

1           A. Well, David Smith picked that location. I  
2           just told him, I said, I'm going to introduce  
3           you to Pat, I got to get on the plane to get out  
4           of here, what do you want to do, and he said,  
5           we'll go there. He picked that location, the  
6           agent.

7 Q. That was the only reason that location was  
8 selected --

9	A. Yes.
---	---------

10 Q. All right. And the last paragraph here on this  
11 page, it says: Patrick Byrne proceeded to play  
12 the tape on the speaker of his telephone. I had  
13 not heard the tape prior to this moment. Is  
14 that an accurate statement?

15	A. Yes, sir.
----	--------------

16 Q. And you said earlier that there's only one tape  
17 you've ever heard. Is that this tape?

18	A. Yes.
----	---------

19 Q. Is that correct?

20 A. Yes, sir. In that moment. At that time.

21 That's the only --

22 Q. At that time.

23	A. Correct.
----	-------------

24 Q. Okay. Have you heard the tape that is  
25 referenced here played at any point in time

1 since that meeting at the Ronald Reagan Airport?

2	A. I have not.
---	----------------

3 Q. All right. The rest of the paragraph says,  
4 starting with: The contents of, the contents of  
5 the tape did in fact reveal the exchange between  
6 the participants involving the request to seek  
7 assistance of the release of Iranian government  
8 monies banked in North Korea. One participant  
9 in the conversation did reveal the name  
10 Hunter Biden and that assistance involving him  
11 would be requested. The tape also included a  
12 statement by one person that assistance through  
13 Hunter Biden would necessitate the involvement  
14 of law firms in the Washington, D.C., area. The  
15 names of those law firms were not revealed. Is  
16 that an accurate statement?

17 A. Yes. That's exactly how I remember it, yes.

18 Q. And I know you said you don't recall necessarily  
19 when this meeting took place. Was it before  
20 this Team America was disbanded, as you've  
21 described?

22	A. Yes.
----	---------

23 Q. So that would have been sometime around 2022 or  
24 so?

25 A. Yes. Before the disbanding, yes.

1 Q. Okay. When you actually heard the recording,  
2 based on your own recollection, having listened  
3 to it, did it sound to you like it was a  
4 recording of a telephone conversation as  
5 described by Mr. Byrne previously?

6                   A.    I would say yes.

7 Q. And why do you believe that to be the case, when  
8 you say "I would say yes"?

9           A. It seemed like there were pauses. You know,  
10           is the describe blue? Yes. Almost like, almost  
11           like the people were not in the same room.

12 Q. Okay. Almost like it was a one-sided telephone  
13 conversation, like you're only hearing one side  
14 of it?

15	A. No.
----	--------

16	Q.	Okay.
----	----	-------

17           A. That's not what I said.

18	Q. Okay.
----	----------

19           A. It seemed like there were pauses between the  
20           questions and responses, yeah, which would  
21           indicate to me telecommunications.

22 Q. Did you hear Mr. Byrne's voice on the recording?

23	A. No.
----	--------

24 Q. How many voices did you hear on the recording?

25	A. Two.
----	---------

1 Q. Were those voices, based on your recollection,  
2 were they speaking over the playing of like an  
3 underlying recording, if that makes sense?

4           A. I'm not that technologically sound. I  
5           wouldn't know.

6 Q. No. I appreciate that.

7 Based on your own perception, did it sound like,  
8 to you, that there was a conversation going on  
9 and then there was some sort of a recording  
10 being played under the conversation that the  
11 conversation was about?

12           A.  No.  I can't -- That would be speculation.

13           No.

14 Q. Okay. And again, I don't want you to speculate.  
15 So if the answer is I don't know, then...

16 A. Yeah. I don't know.

17 Q. Do you recall approximately how long the  
18 recording was?

19           A.  Would be speculative.  20 minutes,  
20           15, 20 minutes, maybe.

21 Q. Is that your best estimate? I don't want you to  
22 guess.

23 A. Yeah. It would only be a guess, Zach. It  
24 would only be a guess.

25 Q. Okay. You know, was it 30 seconds or was it



1 closer to 10 minutes, 20 minutes?

2           A. It was a few minutes, for sure. It was few  
3           minutes.

4 Q. Longer than five minutes?

5 A. I would say longer than five minutes, yes.

6 MR. MURPHY: Yeah. I'm going  
7 to object to the line of questioning as to how  
8 long. He's already said he doesn't know.

9 THE WITNESS: Yeah. Right.

10 MR. MURPHY: And I'm going to  
11 move to strike all of his testimony as to  
12 speculating it might be five minutes, it might  
13 be 10 minutes, it might be five seconds.

14 MR. HANSEN: Thank you.

15 Q. Based on your recollection as you sit here  
16 today -- Well, first off, let me ask you this:  
17 So you only heard the recording one time. Do I  
18 understand that correctly?

19	A. Yes.
----	---------

20 Q. Based on your recollection, what was the quality  
21 of the recording? Could you clearly hear the  
22 voices?

23           A. Yes, you could.

24 Q. Okay. And were some voices more muffled than  
25 others or were they all just basically the same

1	quality?
---	----------

2 A. No. None of it was muffled.

3 Q. Okay. As you sit here today, under oath, can  
4 you confirm that you heard the name Hunter Biden  
5 on that recording?

6 A. Yes. I recall hearing that name, yes.

7 Q. How many times do you recall the name  
8 Hunter Biden being mentioned?

9           A. For sure, once. But I can't be sure more  
10          than once.

11 Q. Do you recall what the context of Hunter Biden  
12 being mentioned in that recording was?

13	A. The context was for assistance.
----	------------------------------------

14	Q. Assistance regarding what?
----	-------------------------------

15           A. The repatriation of money from a  
16           North Korean bank account.

17 Q. When you say "the repatriation of money," can  
18 you please elaborate what you mean by that?

19           A. That it would -- That assistance would be for  
20           the purpose of money being removed from a  
21           North Korean bank account and sent to Iran.

22 Q. And you, -- and correct me if I'm wrong -- you  
23 said that there were two voices on this  
24 recording. Do you recall -- Let me see here. I  
25 know it's hard to identify the voices, it sounds

1       like, especially since one of them wasn't  
2       Mr. Byrne. But did one person over the other  
3       mention this Hunter Biden or was it kind of a  
4       conversation was it mentioned by both people?  
5       That might be a confusing question.

6 A. No, no, no, it's not confusing. One person  
7 mentioned his name to the other person.

8 Q. Okay. In the context of Hunter Biden and  
9 seeking assistance, did you recall if the voice  
10 on the tape said that Hunter Biden's assistance  
11 would be requested?

12           A. That's how I understood it, yes.

13 THE WITNESS: Oh, God. Here  
14 goes my battery. Hold on. I got to keep this  
15 thing plugged in, guys. This is really getting  
16 old here.

17 MR. HANSEN: If you need a  
18 sec --

19 THE WITNESS: Couple seconds.  
20 Stupid charger. Hold on. Let me see this  
21 charger. All right. I'm back charging. Go  
22 ahead. Yup.

23 Q. So just to clarify. Based on your  
24 understanding, the mention of Hunter Biden was  
25 that they were going to need to get Hunter Biden

1 involved, not that they had already done so. Is  
2 that your understanding?

3 A. Yes. That's what I understood, yes.

4 Q. Based on the context of what you heard, did  
5 you -- did it seem to you that Hunter Biden knew  
6 about any of this or these were just preliminary  
7 discussions about his eventual assistance?

8           A. From what I heard, it was not that he knew  
9           about this. At least that's what I heard.

10 Q. It was your understanding that Hunter Biden  
11 hadn't agreed to do anything based on your  
12 hearing of this recording at that time.

13 A. Well, that's a different question. I just  
14 said to you, when I heard the recording, it was  
15 as if he wasn't aware of it. I don't know.  
16 That would be speculative. But per the  
17 conversation I heard, like no. Yeah.

18 MR. DELLA ROCCA: Objection.

19 That's speculative --

20 MR. MURPHY: Let me join in the  
21 objection first, Zachary. I also agree, it  
22 calls for speculation as to what Hunter Biden  
23 knew or didn't know.

24 THE WITNESS: Right.

25 MR. MURPHY: And he's already

1           said he doesn't know what he knew or didn't  
2           know.

3 THE WITNESS: That's right.

4 MR. HANSEN: I'm going to move  
5 on.

6 Q. Do you recall the tape including the words  
7 "North Korea" as opposed to "South Korea"?

8 A. My recollection was North Korea.

9 Q. Do you recall the word "bride" being mentioned?

10 A. I can't remember that.

11 Q. Do you recall Joe Biden or President Biden being  
12 mentioned?

13 A. I can't remember that, no.

14 Q. Do you recall the word "father" being mentioned?

15           A. I can't remember that, no.

16 Q. Do you recall \$8 billion being mentioned?

17 A. My best recollection was \$10 billion.

18 Q. Okay. Do you recall \$800 million being  
19 mentioned?

20	A. No.
----	--------

21 Q. Or any variation in the millions of dollars?

22	A. No.
----	--------

23 Q. Okay. Do you recall JCPOA being mentioned?

24	A. No.
----	--------

25	Q. How about 10 percent?
----	--------------------------

1 A. I don't remember that, no.

2 Q. Okay. I'm going to move on to the last page of  
3 this affidavit where it says: The meeting ended  
4 with Mr. Byrne requested, by the FBI agent, to  
5 send the phone call to him via Signal. So just  
6 to clarify, it was the FBI agent, being Special  
7 Agent Smith, that requested Mr. Byrne send him  
8 the recording, not the other way around; right?

9	A. Yes.
---	---------

10 Q. Okay. Did you see Mr. Byrne send Special  
11 Agent Smith the recording?

12	A. No.
----	--------

13 Q. And you say that it was to be sent to him via  
14 Signal. That's just your recollection of the  
15 conversation that occurred in the car?

16	A. Yes.
----	---------

17 Q. Did Mr. Byrne send you a copy of the recording?

18	A. No.
----	--------

19 Q. Okay. Have you ever been in possession of a  
20 copy of that recording?

21	A. No.
----	--------

22 Q. Do you recall what kind of device Mr. Byrne had  
23 in his possession to play the recordings for you  
24 and Mr. Smith in that meeting in the car?

25           A.   Just a phone.   But be very clear.   He was

1 playing it for Mr. Smith, not me.

2 Q. Okay. I apologize.

3 Just the playing of the recording. Was it an  
4 iPhone?

5 A. I don't know. It was a telephone. I don't  
6 know if it was a Samsung or an iPhone. I don't  
7 know.

8 Q. Do you have any understanding of how the audio  
9 was recorded?

10 A. None.

11 Q. Did Mr. Byrne explain in any way who he obtained  
12 the recording from?

13 A. No.

14 Q. Or where he obtained the recording?

15 A. No.

16 Q. When he obtained the recording?

17 A. No.

18 Q. Do you recall a meeting -- I know you said that  
19 there was just these two meetings in which it  
20 was you, Mr. Byrne, and Special Agent Smith.  
21 Correct me if I have that wrong. But just to  
22 refresh your recollection, do you recall any  
23 meeting that occurred at a burger restaurant  
24 near the FBI headquarters in Washington, D.C.,  
25 around September of 2021?

1 A. I don't recall it. It could have happened,  
2 but I just don't recall it.

3 Q. Okay. Just to be clear, you didn't see --  
4 Mr. Byrne didn't literally give Special  
5 Agent Smith the device that the recording was  
6 on. It was your understanding that he was going  
7 to send it to him, correct, that recording?

8 A. Yes.

9 Q. Okay. Did you ever instruct Mr. Byrne to travel  
10 to Iran for any purpose?

11 A. No.

12 Q. Did you ever -- Did Mr. Byrne ever tell you that  
13 he had been contacted by someone in the  
14 Middle East who asked him to come to Iran  
15 because quote-unquote we were on the verge of a  
16 world war?

17 A. No. I don't know anything about that.

18 Q. Did you ever instruct Mr. Byrne to travel to  
19 Ikdam for any purpose?

20 A. No.

21 Q. Did you ever instruct him Mr. Byrne to travel to  
22 Rome for any purpose?

23 A. No.

24 MR. DELLA ROCCA: Objection.  
25 Relevance.



1 MR. HANSEN: Yup. Once again,  
2 Mr. Della Rocca --

3 MR. MURPHY: Why don't we wait  
4 a second.

5 Brian, your objections didn't  
6 come in clear. Do you want to state it again?

7 MR. DELLA ROCCA: Yes.

8 MR. MURPHY: Let him restate  
9 it. I didn't hear it.

10 Go ahead.

11 MR. DELLA ROCCA: I don't see  
12 the relevance of the questions. We're all over  
13 the map at this point.

14 Q. Mr. Moynihan, are you aware of a trip Mr. Byrne  
15 took to Rome in July of 2023?

16 A. No.

17 Q. Did -- And going back to this meeting in the car  
18 with Special Agent Smith, you, and Mr. Byrne.  
19 Or at any time. Did Mr. Byrne ask Special  
20 Agent Smith to authenticate the recording that  
21 he had played?

22 A. Oh, I don't know.

23 Q. You have no recollection or --

24 A. No. I have no idea.

25 Q. Okay. And just to be clear, is that an I don't

1 know, you don't recall, or you --

2                   A.   No.   I don't know.

3 Q. Okay. Did you have any understanding whatsoever  
4 that Special Agent Smith or what Special  
5 Agent Smith was going to do with the recording  
6 that Mr. Byrne sent to him?

7           A. I have no idea what he was going to do with  
8           it.

9 Q. Do you have any understanding as to whether  
10 Special Agent Smith had that recording  
11 authenticated in any way?

12	A. I do not know.
----	-------------------

13 Q. And just to be clear, you never communicated any  
14 result of authentication of the recording to  
15 Mr. Byrne; correct?

16	A. No.
----	--------

17 MR. MURPHY: Correct, no, or  
18 correct, yes?

19 A. Well, correct relative to the way the  
20 question was asked.

21 MR. HANSEN: Yup. The  
22 transcript will speak for itself.

\* \* \* ATTORNEYS' EYES ONLY \* \* \*

Q. Mr. Moynihan, have you ever had heard the  
pseudonym or alias Movie Star before?

A. No.

Q. Does the name Mehdi Firouzian mean anything to  
you?

MR. HANSEN: And I can spell it  
for the record. It's M-e-h-d-i. Next word,  
F-i-r-o-u-z-i-a-n.

A. That doesn't mean anything to me, no.

Q. How about the name --

MR. MURPHY: Wait a minute. If  
we're going to get into these names, which  
everybody agreed is attorneys only, and you're  
now doing this, then I'm going to ask the  
court reporter to attach to this deposition as  
Exhibit Number 4 the stipulations for protective  
order signed by the judge and the attorneys, and  
we have to have an agreement that Mr. Moynihan  
and his counsel are going to be bound by that  
before you can question him about these names.  
And you haven't done that. And so I think the  
questioning of him about these names is improper  
without the proper procedures being followed to  
keep this information attorney only, because

1           that was done in -- the discovery that we did on  
2           these names was done with that understanding.

3                       MR. HANSEN:   And I'll represent  
4           that the Court's order in that regard said that  
5           we can depose Mr. Moynihan regarding this  
6           deposition.   So we will --

7                       MR. MURPHY:   The Court said you  
8           can depose him.   That doesn't excuse him from  
9           complying with the terms and conditions of the  
10          protect order.   You'll have to comply with  
11          those.

12                      MR. HANSEN:   Mr. Murphy, the  
13          names in a vacuum are not covered.   You're the  
14          one that connected it -- you're connecting it to  
15          something.   So I just asked the names.   I didn't  
16          ask anything about the rest.   You've attached  
17          the protective order to this deposition  
18          transcript.   I agree with your proposal that  
19          this testimony will be subject to that  
20          protective order and deemed highly confidential,  
21          if that's what you're proposing.

22                      I'm going to move on with my  
23          questioning.

24          Q.   Does the name Brandon Hogan mean anything to  
25          you, Mr. Moynihan?

1 A. No.

2 Q. Does the name Hassan Elhusseini mean anything to  
3 you?

4 MR. HANSEN: And I can spell it  
5 for the record. H-a-s-s-a-n. Next word,  
6 E-l-h-u-s-s-e-i-n-i.

7 A. No.

8 Q. Have you ever heard the pseudonym or alias  
9 King Kong before?

10 A. Well, I've heard of the movie, but I don't  
11 know the alias.

12 Q. Sure.

13 A. No.

14 Q. With respect to this matter.

15 A. No.

16 Q. Have you ever heard the pseudonym or alias Mr. Z  
17 before?

18 A. No.

19 Q. Does the name Martin Rodil mean anything to you?

20 A. No.

21 Q. Have you ever passed along any messages to  
22 Mr. Byrne that you understood came from  
23 President Obama?

24 MR. MURPHY: Wait a minute.

25 Wait a minute. I'm going to object to the

1 question on the grounds that it's seeking  
2 information which is irrelevant to the subject  
3 matter of this lawsuit. It's not designed to  
4 lead to the discovery of any admissible  
5 evidence.

6 MR. HANSEN: Your objection is  
7 noted.

8 MR. DELLA ROCCA: And I'm going  
9 to second that objection, for relevance.

10 MR. HANSEN: All right. And  
11 just to clarify, relevance is not an appropriate  
12 objection in a deposition. But you guys'  
13 objections are noted.

14 MR. MURPHY: Counsel, Counsel,  
15 once again, there's also Federal Rules of  
16 Evidence. And I want to add to it also, --

17 MR. HANSEN: I know you're  
18 well-versed in those.

19 MR. MURPHY: -- I want to add  
20 to it, also, since this could be a trial  
21 testimony, and the judge agreed Federal Rules of  
22 Evidence would apply for that purpose, is also  
23 that this is a collateral issue, it's got  
24 nothing to do with defaming your client or our  
25 client acting with malice or that your client

1       sustained any damages, and all that's being done  
2       is used to attack our client's character under  
3       Evidence Code 404(b) and also to confuse the  
4       jury about what they're supposed to be deciding  
5       in this case.

6 But you can go ahead and ask  
7 him the question, and he can answer it.

8 MR. HANSEN: I'm glad I have  
9 your permission. I'll just note that this  
10 entire case boils down to whether or not your  
11 client tells lies. And these are things that he  
12 has made, statements that he has made in the  
13 context of Mr. Byrne. They are highly relevant.  
14 And I will continue to asking the question.  
15 Your objections are noted.

16 Let's move on --

17 MR. MURPHY: I want to respond,  
18 I want to respond to that comment. No. You're  
19 wrong. Read 404(b).

20 MR. HANSEN: Thank you for  
21 that.

22 MR. MURPHY: It does not  
23 allow -- No. It does not allow any prior acts  
24 to come in where you're trying to prove my  
25 client's a liar so you could open up the whole

1 door and bring in everything in the world in.

2 MR. HANSEN: There's  
3 credibility --

4 MR. MURPHY: You have to focus  
5 on the issues of your case, and those issues are  
6 not going to be allowed. And if they are, we'll  
7 go up on appeal and have the Ninth Circuit  
8 overturn any judgment.

9 But for now, I've stated my  
10 objection for the record, and I disagree with  
11 your representations as to what my objections  
12 mean or don't mean.

13 MR. HANSEN: Prior acts are  
14 allowed in as evidence. This will be something  
15 that the judge determines. I appreciate your  
16 position.

17 We'll move on.

18 Q. Mr. Moynihan, have you ever passed along any  
19 messages to Mr. Byrne that you understood came  
20 from FBI Director James Comey?

21	A. No.
----	--------

22 Q. Have you ever passed along any messages to  
23 Mr. Byrne that you understood came from CIA  
24 Director John Brennan?

25	A. No.
----	--------



1 MR. MURPHY: Same objection.

2           Move to strike all the stuff about Comey and the  
3           CIA director.

4 MR. HANSEN: It's noted.

5 Let 's move on.

6 Q. Has Mr. Byrne ever mentioned to you the name  
7 Stephen Muldrow?

8	A. No.
---	--------

9 MR. MURPHY: Same objection.

10 Move to strike.

11 MR. HANSEN: All right. Let me  
12 take a quick break here, Mr. Moynihan. I think  
13 I'm finished. I just need to check my notes to  
14 see if there's anything I want to follow up on.  
15 But we're basically there. So give me just five  
16 minutes, if you would, please, and we'll wrap up  
17 in short order when we come back.

18 MR. MURPHY: Zach, Counsel, if  
19 you need even a little bit more time, that's  
20 fine. We don't have an objection.

21 THE WITNESS: Well, actually,  
22 I'm trying to move it on along. So if you need  
23 five minutes, please move it along. And I  
24 appreciate that. My phone is blowing up here.  
25 I'm losing juice.

1 MR. HANSEN: I'll do this, --

2 THE WITNESS: Okay. Thank you.

3 MR. HANSEN: -- I'll do this as  
4 quick as possible. I just need a moment to look  
5 at my notes.

6 But let's go off the record for  
7 a minute. I'll come back on when I'm ready.

8 THE WITNESS: All right. Thank  
9 you.

10 THE VIDEOGRAPHER: The time is  
11 12:34. We are going off the record.

12	(Recess taken at 12:34 p.m.
----	-----------------------------

13	Deposition resumed at
----	-----------------------

14 12:38 p.m.)

15 THE VIDEOGRAPHER: We are back  
16 on the record. The time is 12:38.

17 MR. HANSEN: All right.

18 Mr. Moynihan, I want to thank you for your time.

19 I have no further questions today.

20 MR. MURPHY: Mr. Moynihan, I  
21 have just a couple of questions for you.

22 EXAMINATION BY MR. MURPHY:

23 Q. Do you know a gentleman by the name of  
24 Martin Rodil?

25	A. No.
----	--------

1 MR. HANSEN: Asked and  
2 answered.

3     0.     You don't know who that person is at all?

4	A. No.
---	--------

5 Q. Okay. And --

6           A. I mean, I know a Martin, but I don't know his  
7           last name.

8 Q. But you don't know -- How do you know the  
9 Martin?

10           A. I don't know if it's the same Martin, but I  
11           know him from other cases.

12 Q. And who is the Martin that you're referring to  
13 that you know?

14 A. Well, it's an individual that's involved in  
15 other cases that I've worked on.

16 Q. Okay. And do you know what his last name is?

17	A. I do not.
----	--------------

18 Q. Okay. And do you know if he worked -- where he  
19 worked on those cases?

20           A. I'm not sure what you mean.

21	Q. In a country?
----	------------------

22 A. If it's the same Martin, yes, I do know where  
23 he's from.

24 Q. And what country would that have been that he  
25 might have been involved in?

1 A. If it's the same Martin, it would have been  
2 Venezuela.

3 Q. Okay. Great.

4 The only other question I have is, do you know  
5 if Mr. Smith ever came back and verified who the  
6 persons were on the tape that was played in the  
7 car?

8 A. Not to me, no. I don't know that.

9 Q. And do you remember if Mr. Dave Smith ever told  
10 you who the voices were on the tape that was  
11 played in the car?

12 A. No.

13 Q. And do you recall ever telling Mr. Byrne who the  
14 persons were on the tapes in the car?

15 A. No.

16 Q. Could that have happened and you just don't  
17 recall?

18 A. It could have happened but -- No. It could  
19 have happened, and it wouldn't be a matter of  
20 recall because I was never told anything because  
21 I had no interest in it.

22 MR. MURPHY: Okay. Thank you.  
23 That's it. Those are the only questions I have.

24 MR. HANSEN: Great. Once  
25 again, Mr. Moynihan, I just want to thank you

1 for your time. Really appreciate it.

2 THE VIDEOGRAPHER: The time is  
3 12:41. We are going off the record. This is  
4 the end of today's deposition of John Moynihan.

5 (The deposition concluded  
6 at 12:41 p.m.)

7 EXHIBITS 1 THROUGH 3 (DOCUMENTS  
8 SUBSEQUENTLY MARKED AS  
9 PLAINTIFF'S EXHIBITS 1 THROUGH  
10 3 FOR IDENTIFICATION)  
11 EXHIBIT 4 (DOCUMENT  
12 SUBSEQUENTLY MARKED AS  
13 DEFENDANT'S EXHIBIT 4 FOR  
14 IDENTIFICATION)

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1 | C E R T I F I C A T E

2 I, LISA L. CROMPTON, a Notary Public in and  
for the Commonwealth of Massachusetts, duly  
3 commissioned and qualified to administer oaths,  
do hereby certify that the foregoing Deposition  
4 of John Moynihan, a witness in the above-titled  
cause, was taken before me on behalf of the  
5 Plaintiff Via Zoom Remotely, on February 14,  
2025, at 10:00 a.m.; that previous to examination  
6 of said witness who was of lawful age, he was  
first sworn by me and duly cautioned to testify  
7 to the truth, the whole truth, and nothing but  
the truth, and that he thereupon testified in the  
8 foregoing manner as set out in the aforesaid  
transcript.

10 I further certify that the foregoing  
Deposition was taken down by me in machine  
11 shorthand and transcribed by computer, and that  
the foregoing Deposition is a true and accurate  
record of the testimony of said witness.

Pursuant to Rules 5(d) and 30(f) of the  
Federal Rules of Civil Procedure, original  
transcripts shall not be filed in Court;  
therefore, the original is delivered to and  
retained by Plaintiff's Attorney,  
Zachary C. Hansen, Esq.

16               Reading and signing of the transcript was  
17 requested by the witness or by any parties  
involved upon completion of the deposition.

18 IN WITNESS WHEREOF, I have hereunto set my  
hand and seal this 14th day of February, 2025.

21  
22

*Lisa S. Crompton*

<%33863,Signature%>

23 LISA L. CROMPTON  
24 REGISTERED PROFESSIONAL REPORTER  
MY COMMISSION EXPIRES 1/17/2031



1     \_\_\_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF  
2     Transcript - The witness should review the transcript and  
3     make any necessary corrections on the errata pages included  
4     below, notating the page and line number of the corrections.  
5     The witness should then sign and date the errata and penalty  
6     of perjury pages and return the completed pages to all  
7     appearing counsel within the period of time determined at  
8     the deposition or provided by the Federal Rules.  
9     \_X\_ Federal R&S Not Requested - Reading & Signature was not  
10    requested before the completion of the deposition.



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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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# Exhibit M

**In the Matter Of:**

**ROBERT HUNTER BIDEN vs PATRICK M. BYRNE**

2:23-cv-09430-SVW-PD

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**SPECIAL AGENT DAVID SMITH**

*April 21, 2025*

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**ESQUIRE**  
DEPOSITION SOLUTIONS

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SPECIAL AGENT DAVID SMITH  
ROBERT HUNTER BIDEN vs PATRICK M. BYRNE

April 21, 2025

1

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3 ROBERT HUNTER BIDEN, an

4 individual,

5 Plaintiff,

6 vs.

Case No.

7 PATRICK M. BYRNE, an

2:23-cv-09430-SVW-PD

8 individual,

9 Defendant.

10 \_\_\_\_\_/

11  
12 The Deposition of FBI SPECIAL AGENT DAVID SMITH

13 10:00 a.m. - 10:11 a.m.

14 April 21, 2025

15  
16  
17  
18  
19  
20  
21  
22  
23 REPORTED BY:

24 STEVEN POULAKOS, RPR

25 JOB NO: J12703813

SPECIAL AGENT DAVID SMITH  
ROBERT HUNTER BIDEN vs PATRICK M. BYRNE

April 21, 2025

2

1  
2  
3  
4  
5  
6  
7  
8                   The deposition of FBI SPECIAL AGENT DAVID  
9 SMITH was held on Monday, April 21, 2025, commencing at  
10 10:00 a.m., at the Law Offices of The U.S. Department  
11 of Justice, 1100 L Street, N.W., Washington, D.C.  
12 20005, before Steven Poulakos, Notary Public.  
13  
14  
15  
16  
17  
18  
19

20 REPORTED BY: Steven Poulakos, RPR  
21  
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SPECIAL AGENT DAVID SMITH  
ROBERT HUNTER BIDEN vs PATRICK M. BYRNE

April 21, 2025

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1 APPEARANCES:

2 ON BEHALF OF THE DEPONENT:

3 JACQUELINE COLEMAN SNEAD, ESQUIRE

4 U.S. Department of Justice

5 1100 L Street, N.W.

6 Washington, D.C. 20005

7 Telephone: 202.514.3418

8 Email: jacqueline.snead@usdoj.gov

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14 ALSO PRESENT: POOJA PATEL  
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FBI SPECIAL AGENT DAVID SMITH

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P R O C E E D I N G S

- - -

Whereupon,

FBI SPECIAL AGENT DAVID SMITH,  
called as a witness, having been first duly sworn to  
tell the truth, the whole truth, and nothing but the  
truth, was examined and testified as follows:

PLAINTIFF'S RULE 31 DEPOSITION QUESTIONS

Q Please state your name.

A Dave Smith.

Q Do you reside in California?

A No.

Q How are you employed?

A With the United States government.

Q Is your employment located in California?

A No.

Q How long have you been employed with that  
entity?

A Twelve years.

Q Mr. Byrne testified in this action that in  
late 2021 or early 2022 you met with him and John  
Moynihan at a parking lot at Reagan National Airport  
where Mr. Byrne played you an audio recording in which  
there was a conversation between someone and Mr. Byrne

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1 in which it was stated that Mr. Robert Hunter Biden,  
2 through an intermediary, had approached the Iranian  
3 government with an offer to have his father, President  
4 Joe Biden, unfreeze \$8 billion in Iranian funds in  
5 South Korea in return for the Iranians paying the  
6 Biden's 10 percent of those funds which would go into a  
7 numbered account for his family. Is that accurate?

8 MS. SNEAD: This is Jacqueline Coleman  
9 Snead. I'm an attorney with the Department of Justice.  
10 I'm here appearing on behalf of Special Agent Smith.  
11 Special Agent Smith is appearing pursuant to a  
12 subpoena. The Department has authorized certain of his  
13 testimony. I am here to ensure that he complies with  
14 the authorization.

15 The Department of Justice objects to this  
16 question on the grounds that the information sought is  
17 subject to the law enforcement privilege and/or may  
18 implicate classified information to which the parties  
19 are not entitled.

20 Subject to this objection, Special Agent  
21 Smith may respond.

22 A No.

23 Q Mr. Byrne testified in this action that he  
24 gave you in the car a copy of the recording that Mr.  
25 Byrne claims to have played for you as described in

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1 Question Number 6. Is that accurate?

2 MS. SNEAD: The Department of Justice  
3 objects to the question on the grounds that information  
4 sought is subject to the law enforcement privilege  
5 and/or may implicate classified information to which  
6 the parties are not entitled.

7 Subject to that objection, Special Agent  
8 Smith may respond.

9 A I do not recall.

10 Q Did Mr. Byrne give you the recording via  
11 AirDrop or through another medium such as the messaging  
12 application "Signal"?

13 MS. SNEAD: The Department objects to this  
14 question on the grounds that the information sought is  
15 subject to the law enforcement privilege and/or may  
16 implement classified information to which the parties  
17 are not entitled.

18 Subject to this objection, Special Agent  
19 Smith may respond.

20 A I do not recall.

21 Q Mr. Byrne testified in this action that you  
22 told him to delete the recording and not keep a copy of  
23 it. Is that accurate?

24 MS. SNEAD: The Department objects to this  
25 question on the grounds that the information sought is

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1 subject to the law enforcement privilege and/or it may  
2 implicate classified information to which the parties  
3 are not entitled.

4 Subject to that objection, Special Agent  
5 Smith may respond.

6 A No.

7 Q Mr. Byrne testified in this action that you  
8 confirmed, through various actions by various  
9 government agencies, the identity of the voice on the  
10 voicemails played on the recording and communicated  
11 that to Mr. Byrne either directly or through Mr.  
12 Moynihan. Is that accurate?

13 MS. SNEAD: The Department objects to this  
14 question on the grounds that the information sought is  
15 subject to the law enforcement privilege and/or it may  
16 implicate classified information to which the parties  
17 are not entitled.

18 Subject to this objection, Special Agent  
19 Smith may respond.

20 A No.

21 Q Mr. Byrne testified in the action that you  
22 confirmed the voice on the voicemails played on the  
23 recording was identified as the son of a high-ranking  
24 official with the Pakistani Minister of Defense and  
25 communicated that to Mr. Byrne either directly or



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1 through Mr. Moynihan. Is that accurate?

2 MS. SNEAD: The Department objects to this  
3 question on the ground that the information sought is  
4 subject to the law enforcement privilege and/or may  
5 implicate classified information to which the parties  
6 are not entitled.

7 Subject to that objection, Special Agent  
8 Smith may respond.

9 A No.

10 Q Mr. Byrne testified in this action that you  
11 confirmed the voice on the voicemails played on the  
12 recording was identified as someone who had close ties  
13 to Mr. Hunter Biden and communicated that to Mr. Byrne  
14 either directly or through Mr. Moynihan. Is that  
15 accurate?

16 MS. SNEAD: The Department objects to this  
17 question on the grounds that the information sought is  
18 subject to the law enforcement privilege and/or may  
19 implicate classified information to which the parties  
20 are not entitled.

21 Subject that objection, Special Agent Smith  
22 may respond.

23 A No.

24 Q Mr. Byrne testified in this action that you  
25 confirmed the voice on the voicemail played on the

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1 recording was identified as someone who acted as a  
2 proxy for Hunter Biden and communicated that to Mr.  
3 Byrne either directly or through Mr. Moynihan. Is that  
4 accurate?

5 MS. SNEAD: The Department objects to this  
6 question on the grounds that the information sought is  
7 subject to the law enforcement privilege and/or may  
8 implicate classified information to which the parties  
9 are not entitled.

10 Subject to that objection, Special Agent  
11 Smith, you may respond.

12 A No.

13 Q Mr. Byrne testified in this action that you  
14 described to Mr. Byrne a letter that FBI Director  
15 Christopher Wray sent out to every FBI agent in the  
16 bureau saying not to have any contact with Mr. Byrne.  
17 Is that accurate?

18 MS. SNEAD: The Department objects to this  
19 question on the grounds that the information sought is  
20 subject to the law enforcement privilege and/or may  
21 implicate classified information to which the parties  
22 are not entitled.

23 Subject to that objection, Special Agent  
24 Smith may respond.

25 A No.

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DEFENDANT'S RULE 31 CROSS-EXAMINATION QUESTIONS

Q Mr. Byrne testified in this action that he provided to you a recording that involved Hunter Biden and Iranian Officials. Do you recall receiving any recording from Mr. Byrne related to or involving Hunter Biden and Iranian Officials?

A No.

Q If Mr. Byrne provided any recordings to you, did you ask him to delete the recordings from any device still in his possession?

A No.

Q Is it common practice for the FBI to advise informants to retain copies of sensitive information or evidence related to national security matters?

MS. SNEAD: The Department of Justice objects to Defendant's proposed cross-examination question 3 because it seeks the FBI's law enforcement method and, therefore, is protected by privilege from disclosure.

Accordingly, I am instructing Special Agent Smith not to respond to Question Number 3.

Q Did the National Security Agency confirm the voice identification of the individual on the three voicemails including the recording provided to you by Mr. Byrne?

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1 MS. SNEAD: The Department of Justice lacks  
2 authority to authorize the disclosure of official  
3 information belonging to another federal agency.

4 Moreover, Special Agent Smith, as an  
5 employee of the Department of Justice, is not a proper  
6 witness to testify about the National Security Agency.

7 Accordingly, Special Agent Smith is not  
8 authorized to respond to this question and I'm  
9 instructing him not to answer.

10 Q Did the National Security Agency confirm  
11 that the identified has or had a relationship or  
12 connection with Hunter Biden?

13 MS. SNEAD: The Department of Justice lacks  
14 authority to authorize the disclosure of official  
15 information belonging to another federal agency.

16 Moreover, Special Agent Smith, as an  
17 employee of the Department of Justice, is not a proper  
18 witness to testify about the national Security Agency.

19 Accordingly, Special Agent Smith is not  
20 authorized to respond to Defendant's proposed  
21 cross-examination Question Number 5 and I'm instructing  
22 him not to answer.

23 Q Did the National Security Agency confirm  
24 that the identified individual acted as a proxy for  
25 Hunter Biden?

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1 MS. SNEAD: The Department of Justice lacks  
2 authority to authorize the disclosure of official  
3 information belonging to another federal agency.

4 Moreover, Special Agent Smith, as an  
5 employee of the Department of Justice, is not a proper  
6 witness to testify about the National Security Agency.

7 Accordingly, Special Agent Smith is not  
8 authorized to respond to Defendant's proposed  
9 cross-examination Question 6 and I'm instructing him  
10 not to answer.

11 (Deposition was concluded at 10:11 a.m.)  
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CERTIFICATE OF DEPONENT

I hereby certify that I have read and  
examined the foregoing transcript, and the same is a  
true and accurate record of the testimony given by me.

Any additions or corrections that I feel  
are necessary will be made on the Errata Sheet.

\_\_\_\_\_  
FBI Special Agent David Smith

\_\_\_\_\_  
Date

(If needed, make additional copies of the Errata Sheet  
on the next page or use a blank piece of paper.)

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ERRATA SHEET

Case: Robert Hunter Biden V Patrick M. Byrne

Witness: FBI Special Agent David Smith

Date: 04/21/2025

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CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Steven Poulakos, registered  
Professional Reporter, the officer before whom the  
foregoing proceedings were taken, do hereby certify  
that the foregoing transcript is a true and correct  
record of the proceedings; that said proceedings were  
taken by me stenographically and thereafter reduced to  
typewriting under my supervision; and that I am neither  
counsel for, related to, nor employed by any of the  
parties to this case and have no interest, financial or  
otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my notarial seal this 21st day of  
April 2025.

My commission expires:  
August 14, 2029

A handwritten signature in black ink, appearing to read "St Poulakos", is written over a horizontal line. The signature is cursive and somewhat stylized.

NOTARY PUBLIC IN AND FOR  
THE DISTRICT OF COLUMBIA



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